

# ***Prison News and News Articles For Correction Officers in New York State: { Page 18 }***

## **ARTICLE LIST:**

### **[Back to Correctional Officers Informational Page](#)**

[Back to Page #1](#), [Back to Page #2](#), [Back to Page #3](#), [Back to Page #4](#), [Back to Page #5](#),  
[Back to Page #6](#), [Back to Page #7](#), [Back to Page #8](#), [Back to Page #9](#), [Back to Page #10](#),  
[Back to Page #11](#), [Back to Page #12](#), [Back to Page #13](#), [Back to Page #14](#),  
[Back to Page #15](#), [Back to Page #16](#), [Back to Page #17](#), [To Page #19](#), [To Page #20](#),  
[To Page #21](#), [To Page #22](#), [To Page #23](#)

[N.Y. Cops Say Latin Kings Crippled](#)

[The Paycheck Deception Campaign](#)

[Accountability for your dues \\$\\$\\$](#)

[GROUP TO CHALLENGE PRISON GUARDS UNION](#)

[Payant memorial at Greenhaven](#)

[THE SALARIES -- COPBA Was Mistaken](#)

[Greenhaven Locked Down](#)

[Military Time](#)

[Council 82 Staff raises](#)

[Calif. Initiative Threatens Unions](#)

[Labor Critical of Tycoon's Gift](#)

[Promoting the Spirit of Political Choice for All Americans](#)

[Support Drops for Calif. Union Plan](#)

[Arbitration and enforcing our contract!!](#)

[Letter from PESH](#)

[NYCPD Officer Slain by "Latin King"](#)

[Union Measure Fails in Calif.](#)

[Ex-union official indicted](#)

[3/4 Disability](#)

[Tuition Reimbursement 1995](#)

[Has AFSCME changed? or Has John Butler changed?](#)

---

[Back to the Titles](#)

# N.Y. Cops Say Latin Kings Crippled

By DONNA DE LA CRUZ

NEW YORK (AP) - Police and the FBI say they've crippled the New York branch of the Almighty Latin King and Queen Nation by arresting its entire top echelon, including its leader, King Tone.

In raids Thursday, police on arrested 94 gang members on charges ranging from weapons and narcotics possession to conspiracy to commit murder. They seized 43 guns and \$230,000 worth of heroin, marijuana and cocaine.

Police say that since Jan. 1, the Latin Kings have been responsible for more than 100 gang-related incidents, including assault, robbery, rape and attempted murder.

The biggest coup of the 19-month probe was the arrest of King Tone, 31, whose real name is Antonio Fernandez.

Fernandez remained in jail awaiting a bail hearing Monday, said his attorney, Ron Kuby. Fernandez pleaded innocent to the drug charges.

In a January interview with The Associated Press, Fernandez insisted his gang had reformed. "I'm sorry if people can't forgive the nation for the past ... The crime in my nation now is individual, low-level crime," he said.

But Police Commissioner Howard Safir scoffed at the notion the Latin Kings were anything but a vicious gang.

"Their application (for membership) asks questions like, 'List your enemies,' and 'How many times have you been in jail and why,'" Safir said.

There are about 2,400 Latin King members in New York - 1,000 of them behind bars. The gang was formed in the 1940s in Chicago prisons and it has branches in Illinois, Rhode Island, Connecticut and Massachusetts.

---

[Back to the Titles](#)

## The Paycheck Deception Campaign

[http://www.afscme.org/afscme/press/032398\\_t.htm](http://www.afscme.org/afscme/press/032398_t.htm)

AFSCME Leader 3/23/98

The Paycheck Deception Campaign

Labor Fights Greatest Threat Ever

AFSCME members around the country are joining with fellow working Americans in fighting a national assault that could silence working families and deal a severe blow to the Labor movement. "This is the most dishonest and destructive legal and political assault on Labor ever," says AFSCME Pres. Gerald W. McEntee.

The anti-union initiative seeks to put into law deceptively named "paycheck protection acts" through

ballot initiatives, state legislation and congressional measures. Labor has dubbed these measures "Paycheck Deception Acts." These proposals would force unions to obtain written approval from members, repeatedly, before using dues to work on behalf of members on issues of importance to them.

In the short term, the right-wing initiative is forcing unions to use valuable resources to combat the Paycheck Deception Campaign money and time that could be spent on our pro-worker agenda. In the long term, Paycheck Deception Acts could reduce the amount of money unions spend on issues of importance to working families, making unions politically powerless. And once Labor is knocked out of the political arena, it will be open season on basic worker protections: minimum wage, pensions, Social Security, workplace safety. It is no accident that the supporters of this campaign are among the most anti-Labor and pro-privatization politicians and activists in the nation. On Capitol Hill, each of the 34 Senate co-sponsors of the bill have previously voted for the creation of "company unions" and to allow employers to pay some workers less than the minimum wage. In the House of Representatives, the bill's 158 sponsors voted to cut Medicare and raise premiums, while 152 of them voted to eliminate the minimum wage and the 40-hour workweek for more than 10 million workers.

The mastermind of this campaign is Grover Norquist, a right-wing activist and confidant of House Speaker Newt Gingrich (R-Ga.). In an interview last year with Reason magazine, Norquist declared that his objective is "[to] crush labor unions as a political entity." Recently, Norquist told The Washington Post that he hopes to have ballot initiatives or legislative proposals in at least 40 states by the end of the year "thus tying up labor's election-year funds in Lilliputian knots." He added that the campaign is being waged at the state level "because Bill Clinton has the veto pen, but he can't veto the state initiatives."

"Our enemies see this as a win-win situation," says McEntee. "Even if they lose, they are forcing us to use our resources to fight them." This is exactly what is happening in California where paycheck deception is on a statewide primary election ballot in June. Labor is focusing its attention on the Paycheck Deception Act at a time when it would have been concentrating on pro-worker issues.

The California measure is particularly offensive because it may prevent unions from using dues for any civic activities including donations to worthwhile charities. It would further require unions to obtain the permission of each member every year, imposing a heavy administrative and financial burden. Labor leaders fear that the California measure could provide a model for the rest of the country. While the paycheck deception measures are a danger to all Labor, they pose special threats to AFSCME and other public-sector unions. First, political activism has enabled public employee unions to "elect their bosses." This tool could be eliminated under paycheck deception. Second, some state initiatives prohibit the use of dues checkoff for the collection of voluntary political funds from public employees. Under this rule, public-sector unions would have to create a separate billing mechanism to collect "political" funds. The AFL-CIO and AFSCME are mobilizing a campaign to combat this threat to working families in California and around the nation. The March-April edition of Public Employee will help rank-and-file members understand and combat this campaign. This issue of Leader will help leaders direct the fight.

<http://www.afscme.org/afscme/pol-leg/paycktc.htm>

[http://www.motherjones.com/mother\\_jones/MJ98/dreyfuss.html](http://www.motherjones.com/mother_jones/MJ98/dreyfuss.html)

"Our team is going to spend \$10 million [in California]," says Norquist. "Their team will spend \$40 million. And they're gonna lose." Rooney, who ponied up \$49,000 in seed money to get the movement jump-started last year, says that he will help raise the money needed to rally voters behind it. By

mid-February, organizers had raised \$1.3 million for Proposition 226. AFL-CIO officials say it will take a minimum of \$10-\$12 million to beat back the initiative in California. Advocates of Paycheck Protection take pains to disguise the drive's anti-labor implications. "This is a fairness issue, period," says Rooney. "No employer and no union should have the ability to take any worker's money and use it for political purposes without the worker's consent. They've got to ask."

[http://www.internationalsocialist.org/html/news\\_reports.html](http://www.internationalsocialist.org/html/news_reports.html)

## Heard it through the grapevine

"I THINK organized labor is alive and well." --AFL-CIO President JOHN SWEENEY's response to a report which showed another drop in the percentage of workers represented by unions mobilize against anti-labor ballot measure by SUE SANDLIN

SAN FRANCISCO--California labor unions are gearing up to fight the anti-worker "paycheck protection" initiative on the June ballot.

Proposition 226, similar to initiatives on referendum in three other states, is designed to silence the political voice of working people by requiring that unions get members' written approval before deducting political donations from dues.

But "paycheck protection" is the only campaign finance reform that conservative politicians support, despite the fact that big business out-spent organized labor 17-to-1 in the 1996 elections.

For example, the right-wing, anti-labor Americans for Tax Reform group has so far donated \$400,000 to the Proposition 226 campaign.

"This initiative is meant to handcuff unions," Walter Johnson, Secretary-Treasurer of the San Francisco Labor Council told Socialist Worker.

If passed, the initiative would take effect July 1, 1998, and prevent unions from spending any money raised prior to that date on politics.

Any money collected after July 1 must be accompanied by complicated authorization forms filled out by each union member.

The form itself is to be designed by a commission appointed by Republican Gov. Pete Wilson, a process that would not even begin until after the initiative was enacted.

This would make it virtually impossible for unions to participate in the November elections.

That makes Proposition 226 supporters like Wilson and J. Patrick Rooney--CEO of Golden Rule Insurance Co.-- very happy. Because while its right-wing supporters would have us believe that it is about protecting workers, it is really about protecting bosses' profits.

Supporters of this initiative are the same people who last year backed state legislation to take away overtime pay after an eight-hour day.

The result has been to take money out of workers paychecks and put it directly into the pockets of their bosses. "This is part of [business] campaign to put profits before people," Johnson said. "Organized labor

is just the first domino. The labor movement supports fights for good education and against welfare cuts, for example. Labor led the fight for Social Security and Medicare. If they can knock down Labor, they are hoping the rest will fall."

California unions have formed a campaign committee to defeat the initiative--Californians to Protect Employee Rights. Activities planned so far include member and community outreach through phone banking, worksite education and direct mail.

A day of precinct walking has been scheduled for April 18, and the committee is planning an extensive television advertising campaign. The March 29 United Farm Workers March for Justice is a perfect opportunity to raise the issue. Visible and strong opposition to Proposition 226 among union members and supporters will be key. As Johnson says, "[Proposition 226] will go far beyond organized labor. It will affect working people all over the state, union or not."

---

[Back to the Titles](#)

## **Accountability for your dues \$\$\$**

The Fair Political Practices Commission will issue the new form, but Proposition 226 stipulates that the form must have the following title:

Request for Political Payroll Deductions

The form would also have to include the employee's, union member's, or union non-member's name, the name of the employer or labor union, the amount being withheld annually, and the individual's signature. The following language would be required to be printed above the signature line:

(For Employees) Signing this form authorizes your employer to make a deduction from your paycheck that is intended to be used as a political contribution or expenditure. You are not obligated to authorize this deduction. Your signature below is completely voluntary and cannot in any way affect your employment.

(For Union Members and Non-members) Signing this form authorizes a portion of your dues, agency shop fees, or other fees to be used for making political contributions or expenditures. You are not obligated to sign this authorization. Your signature below is completely voluntary and cannot in any way affect your employment.

---

[Back to the Titles](#)

## **GROUP TO CHALLENGE PRISON GUARDS UNION**

Glens Falls Post Star - May 15th

COMSTOCK-A group of state prison guards calling itself the Corrections Officers Benevolent Policemen's Association is planning to challenge the current union for control in August. William D. Carey, a 20-year veteran guard at Washington Correctional Facility, said he believes the current union "Council 82" can be beaten.

"We only lost by 1,600 votes last time," Carey said Thursday' referring to a November 1994 contest between Council 82 and The Union for Corrections Officers & Law Enforcement, better known as TUFCO & LE. Carey explained that petition cards for a challenge can start being circulated on Aug. 1. One third of Council 82's estimated 26,000 members will need to sign the petitions to force a vote.

Carey said union members are sick of giving about \$1.8 million annually to the parent union "the American Federation of State County and Municipal Employees"and getting little representation. With an independent union, he said, members would have more say on how their dues are spent. "We'd like to see that money go for scholarships for our kids instead," he said. Carey said he's confident that the new association can unseat Council 82.

John Funicello, a spokesman with the employees federation, said he knows very little about the new group and plans to meet with Council 82 leaders to discuss how it plans to meet the challenge.

Council 82 spokesman Robert M. Lawson, like Funicello, said he too knows little about the planned challenge. "We have heard rumors and rumblings but know very little about it now," he said from Jefferson County, where union leaders were meeting Thursday on unrelated business. "I will say I cannot imagine why anyone would challenge now because we probably are the most democratic and accountable to our members of any union in the country and building a lot of political strength."

---

[Back to the Titles](#)

## **Payant memorial at Greenhaven**

Friday morning Greenhaven held the 17th annual memorial service for Correction Officer Donna Payant, who was killed in the line of duty at Greenhaven on May 15 1981 by inmate Lemual Smith.

The weather was beautiful. The Greenhaven Color guard was impressive, as usual. There were staff members from several facilities in attendance , Sing Sing, Fishkill, Downstate, Hudson, Coxsackie. There were members of the Dutchess Co. Sheriff and N.Y.S.P.

Commissioner Goord was there, Deputy Comm. Duncan, as well as C-82 President Rich Abrahamson.

The Commissioner spoke about the recent court decision that will keep Lemual Smith in Admin. Seg. indefinitely. The court did not buy Smith's statement "I haven't been in any trouble in 17 years" He has been in SHU for 17 years. As the court said, lack of oppurtunity does constitute good behavior.

It is truely an impressive sight to see the long line of Blue, and Gray in their crisp Class "A"s to honor our fallen sister Officer.

If any of you have the chance, I would encourage you to attend the ceremony next year.

Tom G.H.C.F.

---

[Back to the Titles](#)

# THE SALARIES -- COPBA Was Mistaken

OK Folks, here it is. COPBA is stating at their meetings that NYS CO's are the 14th highest paid at job rate -- this is false. They got their figures from the book "The Corrections Yearbook", and used them without ever checking. Well I checked because I had a hard time believing this. First problem is not every state gets to "top pay" ("job rate") at the same time (the lowest I found was 2 years, the highest I found was "never", they simply receive a percentage raise every year -- IF their legislature is in a giving mood). BUT, the actual average I found was about 8 years.

Now, to get the figures I came up with, I called every state that was listed as having a higher salary than NY (man, am I going to hate to see next month's phone bill !!!), except for New Jersey, as I could never get ahold of the right person and he never would call me back. I am going to have to concede that they make more than us, no doubt, BUT, I am estimating their salary at 7 years on the job as mid-\$40's.

Anyway -- I asked for BASE PAY of their Correction Officer with 7 years on the job, as that is OUR job rate -- we can't always go on THEIR job rate as that can be anywhere from 2 to 11 years !!! The figures below are without anything extra added, like pre-shift briefing, clothing, shift differential, location pay, etc. YES, it is all salary, BUT it's all negotiated salary and could be gone with the next contract. I was interested in base pay only to make this easy and show we weren't that bad off as COPBA makes out at their meetings.

Here is the top 5 paid Depts in the country:

1. California \$46,020
2. New Jersey \$46,000
3. Alaska \$43,716
4. Massachusetts \$40,406
5. New York \$36,754

NOW, as an interesting tid bit -- of the 5 largest Departments in the country, which WE rank #4, we are the SECOND highest paid at 7 years on the job (OUR job rate):

1. California 145,000 inmates \$46,020 @ 7 years
2. New York 70,000 inmates \$36,754 @ 7 years
3. US Bureau of Prisons 110,000 inmates \$31,326 @ 7 years
4. Florida 64,000 inmates \$30,383 @ 7 years
5. Texas 130,000 inmates \$25,944 @ 7 years

Any questions ??? I invite you to e-mail me.

[WatnNY@aol.com](mailto:WatnNY@aol.com)

Mike

Watertown CF

---

[Back to the Titles](#)

# Greenhaven Locked Down

Poughkeepsie Journal;

Three gang-related slashings at the Greenhaven Correctional Facility prompted administrators to put the prison under lockdown Friday afternoon.

All prisoners were locked in their cells about 1 pm according to Jerry Surber, president of Local 152.

The first of the slashings occurred on Sunday, Surber said, and the last on Friday. No staff members were injured in any of the incidents.

Surber called all three incidents "major slashings" with one of the injured inmates receiving more than 60 stiches. All suffered multiple stab wounds and cuts, he said.

Mike Huston, spokesman of DOCS in Albany, said prison administrators placed the facility under lockdown in order to conduct a search for contraband and weapons. The search will cover individual cells and common areas.

Houston said the lockdown would "likely last through the weekend"

\* end of story \*

The slashing Wednesday, 2 "bloods" attacked a Latin King. One blood held the LK while the other cut him. The LK got over 100 stiches. Even the blood holding the LK ended up with 6 stiches on his hands because the "cutter" was going so wild.

I'm glad to see that they locked down. This could be a long hot summer.. ..

Tom

---

[Back to the Titles](#)

## Military Time

My research provides the following information in response to the posting about probationary employees being extended due to absences for reserve or national guard duty.

McKinney's Book 35 "Military Law" dated 1990 and updated 1998 Section 243.9 provides that: "If a person enters military duty while serving a probationary period, the time absent on military duty shall be credited as satisfactory probationary service."

This does not, however, overcome unsatisfactory probationary service rendered before entering military duty nor does it guarantee the employee successful completion of the probationary term.

Section 242 is also applicaple in that it defines what constitutes "military duty".

Section 243 deals generally with the rights of all public employees who enter military duty.

I must emphasize here, however, that NYS Military Law does not sanction the abuse of any privelege.

Read Directive 2212, it provides very specific requirements for the requesting and verification of drill and AT attendance. If you are not in compliance you jeopardize your rights and the rights of all other reservists/guardsmen. DOCS tried to interpret these laws to their advantage once and lost. Don't give them the fuel they need to do it again, we might lose.

S. May  
Hudson CF

---

[Back to the Titles](#)

## Council 82 Staff raises

I spoke with Mike Supernant and got the following information about raises that were passed in the budget at the last E Board.

Hite \$110,000 to \$118,500 7.7%  
Casey \$75,000 to \$85,000 14.2%  
Derosa \$60,000 to \$68,000 13.3%  
Smith \$37,500 to \$45,000 20%  
Gifford \$37,500 to \$45,000 20%

Just think, the smallest raise was more than we got in the last four years. The largest, more than we got the last eight. Still not listening...

Mike also told me that a new attorney is being hired at \$60,000. Also \$140,000 was being allocated/reserved? For the possibility of providing attorneys for termination cases. A 3% raise was given to all clerical staff, Lawson and Gardner. New employee to be hired for the phone bank at \$30,000.

Gary Carlsen

---

[Back to the Titles](#)

## Calif. Initiative Threatens Unions

By STEVE GEISSINGER

SACRAMENTO, Calif. (AP) - Warehouseman Robert Gabourie found politics deadly dull until an initiative on California's June 2 ballot threatened the oomph of organized labor, the power of his union.

``It would leave the devil in charge," the 45-year-old former Marine shouted over screeching machinery at the Port of Sacramento. ``Big companies have enough power as it is."

Proposition 226 would require unions to get members' permission, renewed every year, before spending part of their dues on political activities.

Union loyalists at the port, represented by the International Longshore and Warehouse Union, see Proposition 226 as the vanguard of a national effort to quash unions' political influence.

But substantial support for the initiative exists even in union ranks.

"I think it should all be voluntary," said port warehouseman Charles Harris, 51. "They're taking our money away for political lobbying. It's just not right."

The initiative, backed by Republicans and conservative Eastern business interests, could crush the influence of traditionally Democratic unions.

Labor unions, although outspent 11-to-1 by corporations in 1996 federal campaigns, still sank \$58 million into the election, according to the nonpartisan Center for Responsive Politics in Washington, D.C.

"It's Armageddon for labor," said political analyst Sherry Bebitch Jeffe, at Claremont Graduate University's school of politics. "The initiative cuts at the heart of labor's political clout. Money is one of the things that made unions a powerful, Democratic constituency."

"California is again the testing ground for a new political movement. If it passes here, it will give impetus nationally and in other states."

A principal supporter of Proposition 226, Republican Gov. Pete Wilson, says the initiative would prevent unions from spending members' money indiscriminately or on causes that rank-and-file workers oppose.

The measure would end what Wilson calls a "massive shakedown."

"We want individuals to have the right to free choice with their own money," he said.

Leading the Democratic charge against the measure, President Clinton says the measure would "muffle the ability of the collective voice of the working people to be heard."

Polls have shown the proposal to be popular, though voter approval is slipping. In the statewide Field Poll, support dropped to 55 percent in late April, down from 60 percent in March and 71 percent in February. Even union households, which heavily favored the measure earlier this year, are now evenly split.

Unions acknowledge the initiative doesn't shut off political donations altogether. But they say that by requiring workers to complete a check-off form, the result is essentially the same.

"They want to knock us off the political playing field," said Naomi Walker, a spokeswoman for the AFL-CIO, which represents 13 million members nationwide.

But Wilson discounts arguments that the measure would cripple organized labor's political activity, saying union members will authorize lobbying if effectively persuaded by leadership.

Backers are trying to get similar initiatives on ballots in Oregon, Florida and Nevada. Bills limiting union donations have been introduced in the legislatures of several states, including Arizona, Alaska, Maryland, Minnesota, Mississippi, Missouri, Pennsylvania, Vermont and Wisconsin. Congress has been holding hearings on similar bills.

The effort to rein in donations from unions was helped onto the California ballot by generous donations from two out-of-state conservatives close to Republican House Speaker Newt Gingrich. Washington lobbyist Grover Norquist's group, Americans for Tax Reform, contributed \$449,000; J. Patrick Rooney, an Indianapolis insurance executive, gave \$49,000.

The latest campaign spending disclosures show conservative Eastern business interests continue to be primary contributors to the pro-226 campaign. Carl Lindner of Cincinnati, chief executive of Chiquita Brands International Inc., gave \$100,000; publisher Richard Mellon Scaife of the Tribune-Review Publishing Co. in Greensburg, Pa., contributed \$50,000.

Big bucks are going into advertising. Total spending on ads by both sides is expected to surpass \$20 million.

Pro-226 ads portray the measure as a simple issue of fairness for individual union members and attempt to narrow voters' focus to the measure's specifics.

Anti-226 ads broadly warn the measure would change society by weakening labor's ability to participate in politics. They say it would unfairly tilt the scales against workers on such issues as health care reform.

Although the measure has captured attention beyond California, within state borders Proposition 226 is seen as a Republican vendetta against the California Teachers Association, which took a lead role in wresting control of the Assembly from the GOP.

The CTA overwhelmingly supports Democrats and has contributed \$3 million to oppose the measure, a relatively modest amount considering the stakes for unions.

“In the biggest state in the country, (Proposition 226) would upset the balance between corporations and labor interests in a way that favors the corporate side,” said political professor Gary Jacobson of the University of California, San Diego.

“For labor, fighting a battle for survival for the last 25 years or so, it would be a significant defeat.”

---

[Back to the Titles](#)

## Labor Critical of Tycoon's Gift

By KEVIN GALVIN

SAN FRANCISCO (AP) - A conservative group that received a grant of more than \$100,000 from Indiana insurance tycoon J. Patrick Rooney has stepped into the fray over a ballot proposition that would restrict union political activity in California.

Rooney said he made the gift with no strings attached, but the fact that the Claremont Institute began airing radio ads touting the referendum that he has championed drew criticism from opponents in organized labor.

Proposition 226 would require unions to seek written approval from members before dues money is spent on politics. Unions call it a thinly disguised effort by business to stifle workers.

But Rooney, who has spent millions of his personal fortune to influence the Republican agenda, dismissed such attacks, saying that his support for the proposition was a natural extension of his lifelong issues advocacy.

“It goes to a matter of fairness,” Rooney said. “After all, the worker has worked to earn the money and it should not be taken by anybody without the worker's consent.”

A statewide TV ad blitz by the AFL-CIO and its affiliates has made an issue of the backing the referendum got from Rooney and another out-of-state conservative, Grover Norquist, head of Americans for Tax Justice.

Arlene Holt, the AFL-CIO official coordinating labor's get-out-the-vote effort against Proposition 226, said Rooney's grant to the Claremont Institute was another indication of the corporate interests behind the proposition.

``People need to look carefully at who's behind it," Holt said. ``It is out- of-state millionaires who are putting money in here."

Rooney was originally drawn to the campaign by three Orange County businessmen who needed money to collect signatures to qualify the question for the ballot. He donated \$49,900, and began touting the idea nationally.

Early polls showed overwhelming support for the initiative, which its proponents dubbed ``paycheck protection" and there has been some jostling for bragging rights among the Republicans backing the proposal.

But the polls have tightened since labor geared up its grass-roots campaign. A Field Poll taken in late April showed 55 percent of voters supported the measure, down from 60 percent in March and 71 percent in February. Labor's ad blitz had been on the air for only two days before the most recent poll.

Labor and the measure's backers are expected to spend more than \$10 million each.

Rooney stressed that he made his grant to Claremont independent of his involvement in the Proposition 226 drive. He declined to specify the size of his gift, saying only that it was more than \$100,000.

The Claremont ads cast the measure in a positive light but do not directly call on Californians to vote for it.

``Proposition 226 means you employer must obtain your authorization before deducting your money for political campaign activities," an announcer says. ``We're the nonpartisan Claremont Institute - our responsibility is to educate about the issues. Your responsibility is to vote."

However, a series of press releases by Claremont Institute President Larry Arnn has been sharply critical of labor leaders, saying that political action fell outside their mandate to fight for workers in the workplace.

Rooney, who has a long history of supporting school voucher programs and medical savings accounts, said he has no beef with unions, calling himself an active supporter of equal rights and opportunities for minorities.

``They may not believe so today, but in a number of activities I've been a supporter of unions," he said.

---

[Back to the Titles](#)

# Promoting the Spirit of Political Choice for All Americans

Political Money Monitor  
Issue 16 \* May 22, 1998

## Contents

- \* Proposition 226 Campaign Gets Dirty
- \* Congress Waiting for Proposition 226 Results
- \* High "Business Community" Political Spending Debunked
- \* AFL-CIO Official Endorses "Black Militancy" Conference

## **\*\* Proposition 226 Campaign Gets Dirty; False Allegations Abound in "Paycheck Protection" Debate**

With less than two weeks until the California primary, opponents of the paycheck protection Proposition 226 are being caught spreading misleading information about the ballot initiative. While supporters insist it will simply protect workers' wages from being spent on politics without their permission, critics ? organized labor in particular ? falsely claim it will hurt everything from public safety to donations to charity.

Last week, the United Way of America retracted a "legislative alert" claiming Proposition 226 might affect charitable giving. United Way officials blamed its release on inexperienced staffers, and said the initiative would have "no bearing on voluntary charitable contributions." They also warned that continued use of the report in the campaign could result in legal action.

Californians are also receiving telephone calls from people asserting that Proposition 226 will endanger police officers. The callers claim the initiative will give public access to employee records, allowing revenge-seeking criminals to find officers' home addresses. Three California laws, however, specifically protect the release of personal information of law enforcement officials.

An interesting aspect of these calls is that callers said they were calling from phone banks in Florida, Nebraska and Oklahoma. A chief allegation of Proposition 226 opponents is that supporters are relying on out-of-state assistance.

"The desperate strategy employed by the anti-226 campaign is to talk about anything but returning control of union expenditures to union members," said Yes of 226! Chief of Staff Ron Nehring.

## **\*\* Congress Waiting for Proposition 226 Results; Paycheck Protection, Free Speech to Guide Reform Debate**

A third debate on campaign finance reform began in Congress on May 21 with a dozen bills and an unprecedented 586 amendments under consideration so far. No votes are expected until early June.

Congressional supporters of paycheck protection hope a Proposition 226 victory in California's June 2 primary will provide the momentum to pass similar federal legislation. The initiative would require employers and labor unions to obtain worker permission to use payroll deductions for political activity.

Many congressmen are concerned increased campaign regulation, like a ban on "issue advocacy" advertising and further limits on contributions and spending, threatens Americans' right to unrestricted political speech. Majority Whip Tom DeLay (R-TX) told CongressDaily, "Money is not the root of all evil in politics ? [it] is the lifeblood of politics." He is a member of the "Free Speech Coalition," which is offering amendments requiring the Federal Election Commission to issue the least restrictive regulations possible, increase enforcement of current laws and to end public funding of campaigns. Focusing on the current fundraising scandal, they also seek to ban fundraising on Air Force One and other government property and in places of worship.

By intentionally bucking perceived reform efforts, members of the Coalition are putting principle before political safety. Congressman Ed Whitfield (R-KY) told Roll Call, "I do worry about [a backlash] in my district, but I have to do what I think is the right thing to do." Congressman Roy Blunt (R-MO), on the other hand, said, "This case will speak for itself, and we may come across helpful changes in the law because of it."

**\*\* Campaign Finance Factoids**

### **\* High "Business Community" Political Spending Debunked**

Union leaders often cite a figure from the Center for Responsive Politics (CRP) that the "business community" outspent organized labor in political contributions by a factor of 11 to 1 in 1996. They use this as a justification for the continued use of mandatory union dues for political activity. An analysis by the Claremont Institute, however, casts doubt on CRP's claim. Almost half of the contributions CRP attributed to business were found to actually be donations made by individuals who listed their occupations as business-related. In an Investor's Business Daily commentary, Claremont Institute Director of Research Glenn Ellmers noted, "individuals give money to political campaigns for a thousand reasons, many (e.g. pro-life, pro-gun, anti-gun) having nothing to do with business. Should all those contributions simply be lumped into a 'business' agenda?" CRP also included professional associations like the American Association of Trial Lawyers ? a group often at odds with the goals of the business community ? among business contributors. Ellmers said, "including trial lawyers with the business community is like counting the fox with the chickens."

### **\* AFL-CIO Official Endorses "Black Militancy" Conference**

AFL-CIO Education Secretary Bill Fletcher recently shattered the misconception that the union's leadership only endorses candidates and causes of the Democratic Party. According to the San Francisco Bay View, Fletcher has joined with the Communist Party USA, former Communist Party vice presidential candidate Angela Davis and others to endorse the Black Radical Congress in Chicago on June 19. The View reports the goal of the Congress is "to revive and to rebuild the spirit of Black militancy and social justice."

Political Money Monitor is published by The National Center for Public Policy Research to provide information on campaign finance and political choice issues. Coverage of an event or article in Political Money Monitor does not imply endorsement by The National Center for Public Policy Research. Copyright 1998 The National Center for Public Policy Research. Reprints of articles in Political Money Monitor are permitted provided source is credited. ###

<http://www.nationalcenter.org>

[Back to the Titles](#)

## Support Drops for Calif. Union Plan

LOS ANGELES (AP) - Support has plummeted for a statewide initiative that would weaken the political clout of unions, while a measure to end bilingual education retains strong backing, according to a poll published today.

Proposition 226 would require labor unions to get annual permission from a member before using dues for political purposes. It has support from 51 percent of likely voters surveyed, down from 66 percent in April, the Los Angeles Times poll said.

Opponents have spent \$15 million on a recent TV advertising campaign.

Proposition 227, which would essentially dismantle bilingual education statewide, is supported by 63 percent of likely voters, the same as in April.

The measure is supported by about two-thirds of both Hispanic and white voters.

Pollsters interviewed 1,097 registered voters from May 16-20, including 506 voters considered likely to cast ballots. The margin of sampling error for registered voters is 3 percentage points; the margin for likely voters is 5 percentage points.

---

[Back to the Titles](#)

## Arbitration and enforcing our contract!!

This is lengthy but interesting. Fieldstaff will tell you that you always have to exhaust contractual remedies. Not True!! When the arbitration process is flawed.

Our arbitration clause as follows:

(3) Miscellaneous Provisions

Neither the master arbitrator nor arbitrator shall have any power to add to, subtract from, or modify the provisions of this Agreement in arriving at a decision of the issue presented and shall confine the decision solely to the application and interpretation of the Agreement.

OUR ARBITRATION CLAUSE LIMITS REMEDIES AS it eliminates the right to recover punitive or exemplary damages and attorney fees and limits the arbitrator to interpretation of the contract. If you use a private attorney you must pay half of the arbitrators fees. If you want transcripts you must pay for your copy and the States and the arbitrators. Not to mention the ability Testo had to interfere!!!!

By contrast, earlier this year, the D.C. Circuit held that when the arbitration process imposes costs not found in the court system--specifically, the cost of arbitrator compensation--an arbitration clause would not be enforceable. In a decision of first impression in *Cole v. Burns International Security Services*, 11 the D.C. Circuit held that an employer cannot condition employment on acceptance of an arbitration agreement that requires the employee to pay all or part of the arbitrator's fees. Judge Harry T. Edwards wrote that employees should not be required to pay for the services of a private judge in order to pursue

their statutory rights when they would not be so required if they pursued their rights in court. Inasmuch as a system of mandatory employment arbitration has been imposed by the employer, the arbitrator's fees, according to public policy as construed by this court, should be borne solely by the employer.

### Substantive Statutory Rights

Even if the decision-maker is neutral, an employer cannot limit the substantive protections of an employment rights statute, such as the remedies available and the statute of limitations, as part of the arbitral process. For example, in *Graham Oil Co. v. ARCO Products Co.*,<sup>8</sup> a case involving an arbitration clause in a franchise agreement, the 9th U.S. Circuit Court of Appeals declined to compel arbitration when the agreement "purports to forfeit certain important statutorily-mandated rights or benefits." There, the arbitration clause eliminated the right to recover punitive or exemplary damages and attorney fees and reduced the statute of limitations from one year to 90 days.

<sup>9</sup> California's Court of Appeal upheld the trial court's denial of the defendant's motion to compel arbitration, finding that the arbitration agreement was "unconscionable." In evaluating the arbitration provision, the *Stirlen* court considered it significant that the arbitration clause provided that certain actions by the company (including those seeking specific performance or equitable relief for breach of certain provisions of the agreement) did not have to be submitted to arbitration and that the clause restricted the available remedies to "a money award not to exceed the amount of actual damages for breach of contract, less any proper offset for mitigation of such damages." The parties were not entitled to any other money damages, specific performance or injunctive relief. In addition, the employee in *Stirlen* was subject to a one-year statute of limitations that could not be tolled, even if a longer period would ordinarily apply in court. The court found that these provisions "provide[] the employer more rights and greater remedies than would otherwise be available and concomitantly deprive[] employees of significant rights and remedies they would normally enjoy." That is not to say that every deviation from every remedy designated by a statute will result in a blanket refusal to enforce an agreement to arbitrate. In *DeGaetano v. Smith Barney Inc.*,<sup>10</sup> the court compelled arbitration of a discrimination claim even though the procedure precluded certain remedies, such as injunctive relief, attorney fees and punitive damages. According to the *DeGaetano* court, "The mere fact that these statutory remedies may be unavailable in the arbitral forum does not in itself establish that Title VII claims must be resolved in a court of law."

An interesting exception to this trend is *Stirlen v. Supercuts Inc.* In *Stirlen*, the California state court held that an imbalance of power between the parties nullified the agreement to arbitrate. The court acknowledged that the plaintiff, who had been hired as a vice president and chief financial officer of *Supercuts*, was "not a person desperately seeking employment but a successful and sophisticated corporate executive." Nonetheless, the court held that because William N. *Stirlen* had no real opportunity to modify the terms of the employment contract that were presented to him after he accepted employment and were described as standard provisions that were not negotiable, and the contract was presented on a "take it or leave it" basis, the arbitration clause was a contract of adhesion and procedurally unconscionable. Due to this one-sidedness, the court concluded, Mr. *Stirlen* did not willingly agree to arbitrate his claims. The *Stirlen* court's reliance on its view of the inequality of bargaining power, however, is facially inconsistent with the *Gilmer* decision, in which the Supreme Court stated, "Mere inequality of bargaining power, however, is not a sufficient reason to hold that arbitration agreements are never enforceable in the employment context."<sup>18</sup> As a practical matter, the fact that the arbitration clause in *Stirlen* was so one-sided--in particular, eliminating remedies and curtailing the statute of

limitations--certainly may have influenced that court's decision. In the final analysis, Stirlen stands as an anomaly.

---

[Back to the Titles](#)

## Letter from PESH

Below is a letter from PESH (Public Employee Safety and Health) concerning our newest Respirator policy (Gas Mask). Basically it states that NYS is responsible to supply Corrective Lenses for these masks and if a seal can not be obtained then NYS is responsible to purchase a loose fitting mask (respirator).

Remedy Sought;

- 1) To supply every employee who wears Corrective lenses with a respirator with his/her personal perscription lenses and to be replaced every 2 years.
- 2) To supply each post which requires a respirator to be present a loose fitting type of respirator, so as every employee would be able to utilize these respirators and could also wear glasses (corrective lenses) under these respirators without worrying about breaking any seal.

NO L/M meeting necessary..just a phone call away and if the state dosen't comply then PESH can issue them a citation.....Just a waiting game now....this has been forwarded to C82. The ball is in their hands.....

Dear Mr. Butchino:

This is in response to your March 26, 1998 letter regarding questions pertaining to OSHA's respirator standard, 29 CFR 1910.134.

The original OSHA respirator standard was first promulgated in 1971 and was later adopted by the NYSDOL Public Employee Safety and Health (PESH) Bureau under the original 1980 PESH Act. The latest version of the standard took effect April 8, 1998 for OSHA (with September 8 and October 5, 1998 as compliance dates) but has not yet been adopted by PESH (It will be in the near future).

The NYSDOL PESH Bureau has enforced the OSHA respirator standard since 1980. If violations of the standard were brought to PESH's attention or if they were discovered during an inspection then citations were issued. New York State can't be penalized for not providing proper protection prior to the inception of the PESH Act. After 1980, if respirator violations were discovered or brought to our attention they were cited, simple as that

If an employee has facial abnormalities that prevent a good fit then the employer must provide a loose-fitting respirator for this employee. OSHA's 1986 letter to Mr. Markovich that you quote comes right out and says this. The employer can not fire the employee solely due to not getting a proper fit with a tight-fitting respirator. OSHA says that a loose-fitting respirator must be offered in these cases.

The employer is also required to provide corrective lens kits if normal glasses can't be worn with a respirator. Section 29 CFR 1910. 134(e)(5)(ii) of the respirator standard addresses this. If a proper fit is not possible due to the temple bars of the glasses breaking the face seal then the two options would be a

full-face tight-fitting respirator with corrective lens mounted in the facepiece or a loose-fitting respirator. Respirator companies manufacture corrective lens mounting kits for full-face respirators for personnel who must wear glasses. PESH enforces this corrective lens issue under 29 CFR 1910. 134(e)(5)(ii).

The corrective lens policy is part of OSHA's 5 respirator program and has nothing to do with weapons qualifications. While qualifying with weapons correction officers must wear either approved safety glasses or goggles. Goggles should be used over corrective lens. Liability is not a PESH issue. If personal protective equipment (PPE) is needed the employer must provide it with no cost to the employee; this is covered under the OSHA standards and is not a labor/management issue. Whenever a violation is detected there is a mutually agreed upon time period to correct the hazard. There is also a time period allowed for PESH to adopt new OSHA standards.

Loose-fitting respirators may be worn with beards. Corrective lens can also be worn with these respirators. Glasses are only a problem with tight-fitting respirators when the temple bars go through the respirator face seal. Keep in mind, however, that this does not mean that NYSDOCS has to issue loose-fitting respirators for employees who want to wear beards. A no facial hair policy would also be acceptable. Only if the conditions that prevent a good seal cannot be removed or corrected must the employer provide a loose-fitting respirator. Facial abnormalities may not be able to be removed or corrected; beard growth, sideburns, and large mustaches that interfere with a face seal obviously can be removed.

Sincerely,  
Mark E. Thorsland  
Associate Industrial Hygienist

---

[Back to the Titles](#)

## **NYCPD Officer Slain by "Latin King"**

NEW YORK (AP) -- Officer Anthony Mosomillo lost his life doing what he had done safely on countless occasions -- serving warrants. It was his job, as one of the 67th Precinct's warrant officers.

But on Tuesday morning, something went wrong as Mosomillo and his partner Miriam Sanchez-Torres, walked into Jose Serrano's Brooklyn apartment at 8:04 a.m. to serve the paroled criminal with a bench warrant for missing a court appearance for a drug arrest. Serrano burst from a bedroom closet and he and his girlfriend, Betsy Ramos, began struggling with Sanchez-Torres for her .38-caliber service revolver, police said. Mosomillo, wearing his bulletproof vest, was shot twice in the neck with his partner's gun -- police aren't certain if Serrano or Ramos shot him.

But before falling to the floor, Mosomillo fired several shots from his .38-caliber revolver, killing Serrano, 29, police said. Sanchez-Torres dragged her partner out of the apartment, put him in their squad car and rushed him to nearby Kings County Hospital. After enduring hours of surgery, the 36-year-old husband and father of two children was pronounced dead at 4 p.m.

The shooting proved too stressful for the officer's father, Anthony Mosomillo Sr. The 64-year-old was hospitalized with severe chest pains and was listed in critical condition at the hospital, spokeswoman Queenie Huling said. Mosomillo is the second city police officer killed in the line of duty this year. Detective Sean Carrington, 28, was killed Jan. 19 during a buy-and-bust operation in the Bronx by a

paroled criminal, who was fatally shot. News that Mosomillo was involved in a gunfight with a paroled criminal prompted Mayor Rudolph Giuliani and Police Commissioner

Howard Safir to reiterate their stance that parole be abolished in the state. "How many times do we have to stand outside of hospitals talking about police officers who were shot by people who were on parole or probation?" Safir said angrily. "It's about time we abolish parole and get these predators off the streets." Meanwhile, state parole officials want to know why Serrano was released from a city jail last month after being arrested for drug possession. There was a state warrant out for Serrano for not reporting to his parole officer, said Tom Grant, a spokesman for the state Division of Parole. Serrano, who used several aliases, was paroled on May 15, 1996. He had been convicted of drug possession. Grant said Serrano stopped reporting to his parole officer on Sept. 30, 1997, and a warrant was filed against him on Nov. 13. Serrano resurfaced in April when he was arrested for drug possession in Brooklyn. "But when we went to go pick him up we learned he had been released," Grant said. Serrano was convicted two other times for drug possession, in 1987 and 1990. The early morning shooting disrupted the usually quiet tree-lined street of single-family houses. "We all heard a couple of gunshots, like three or four ... then all of a sudden everybody's telling everybody to get back," said neighbor Karen Virgo. Ramos, 33, has been charged with second-degree murder. She is on 10 years probation for smuggling heroin into the United States from Jamaica. Mosomillo had been on the force for 14 years and lived in Glendale, Queens. His brother, Sal, is a police officer in Brooklyn's 84th Precinct.

---

[Back to the Titles](#)

## Union Measure Fails in Calif.

.c The Associated Press

By KEVIN GALVIN

WASHINGTON (AP) - Republicans who promised to put a crimp in unions' power wound up looking like the skinny guys on the beach when labor flexed its muscle to defeat Proposition 226 in California.

To combat the proposal that would have forced unions to get approval from all members before spending their dues on politics, state and national labor unions mounted a massive grass-roots campaign and spent more than \$11 million on TV ads.

On the other side, many business groups declined to join the fray, California Republicans complained that national party leaders didn't support them, and infighting between Gov. Pete Wilson and other proposition supporters hobbled the effort.

In the end, California voters defeated Proposition 226 by 53 percent to 47 percent Tuesday. It was a stunning reversal, considering polls showed 60 percent of the state's voters approved of the measure before labor opened its campaign three months ago.

"If it comes down to an election day ground game, the unions are always going to have a built-in advantage," said Dan Schnur, a Republican strategist close to Wilson. "But they should never have been in the position where the get-out-the-vote effort made the difference."

"If you see any of the national Republican leadership, tell them we're still waiting for them," he said.

AFL-CIO President John Sweeney said the drive to defeat the proposition strengthened labor's grass-roots network in California and could pay off in November when the state elects a new governor.

"The defeat of Proposition 226 sends a clear message about the prospects of other such worker-bashing initiatives in other states, and the message is, simply put, 'Pounding working families is a losing proposition,'" Sweeney said.

Earlier this year, Grover Norquist, president of Americans for Tax Reform, and Republican businessman J. Patrick Rooney were calling for "paycheck protection" measures in all 50 states.

But the effort was faltering elsewhere, so California's early primary was a pivotal test.

In addition to television ads, labor revved up a grass-roots operation that included 650,000 telephone calls to union members, 5,000 precinct walks and visits to 18,000 work sites to urge union members to vote "No" on Proposition 226.

The ads swayed voters beyond the union ranks. By predicting negative consequences for everything from food safety to Medicare if labor's voice were diminished in the political arena, the unions shifted the debate away from whether unions should be able to use dues for politics without the specific approval of each union member.

Republicans called the ads misleading.

"They spent 20 million bucks to spread lies and distortions about this proposition," said Mike Collins of the Republican National Committee.

Wilson's "Yes on 226" forces had fewer resources to work with, raising only about \$5 million. That didn't include unreported funds spent by nonprofit groups that also supported the initiative.

Some business leaders in California sat out the contest after labor threatened to file retaliatory ballot petitions targeting corporate tax breaks. And other Proposition 226 backers claimed Wilson, a potential aspirant for the GOP presidential nomination in 2000, failed to work openly with some allies.

"Clearly not only the Republican Party but also the business establishment in California should be held accountable for allowing this to happen," said Eddie Mahe, a Washington-based Republican strategist.

Republicans tried to shrug off defeat, noting that unions were forced to spend vast sums. They also vowed to continue pushing for "paycheck protection" nationwide.

"I have bad news for the unions this morning: It is going to go on," Wilson said. "This was round one; it cost them a great deal to win it."

But legislative efforts to impose "paycheck protection" have been defeated in most states where such bills were introduced. Only three other states - Colorado, Nevada and Oregon - currently have petition drives to place similar proposals on the November ballot.

While Republicans took heart in forcing labor to spend \$20 million defending itself, Sweeney said the effort energized labor's base in California. Some 24,000 members got involved for the first time in a union political drive.

---

[Back to the Titles](#)

# Ex-union official indicted

3 family members face federal fraud charges in computer consulting scam.

BY Carol DeMare  
Staff Writer

A former official of a union representing law-enforcement personnel and two of his family members have been indicted on federal charges of defrauding the union through a computer-consulting scam. Charged in a 14-count indictment was Lawrence Germano, of Ronkonkoma, Suffolk County, a former associate, director and for a brief time executive director of Council 82. Also indicted were Germanos brothers-in-law, Long Island businessmen Ronald A Pizzolo and Anthony Pizzolo".

Assistant District Attorney Sara M. Lord said there have been no arrests and no arraignment date is set. The indictment, handed up Monday, alleges the three engaged in a scheme to defraud the 26,000-member union, which represents Correction Officers and Police Officers, by pocketing thousands of dollars paid by the union for purported computer service and equipment. The illegal activity allegedly occurred between the fall of the 1993 through the end of 1994. .

In a statement released by Council 82, President Richard S. Abrahamson, who was not in office during the time the union came under federal and state scrutiny, said the indictment "represents a major step forward, in closing a regrettable and sad chapter in Council 82 history, and clears the way for this union and its members, to focus on a future of unity and political strength."

Three years ago the union, which is affiliated with the American Federation of State, County and Municipal Employees, promised its members it would cooperate with all investigations of alleged wrongdoing on the part of expelled former union officials, Abrahamson said. "we are determined to make sure the perpetrators were exposed and punished," he said.

In the past, Council 82 has been plagued by political infighting, financial losses and allegations of financial misappropriation. AFSCME took yearlong control of Council 82 in 1995, ousting four Council 82 leaders and demanding repayment of about \$450,000 in questionable expenses as well as union-funded purchases, including out-of-state trips and visits to strip bars.

---

[Back to the Titles](#)

## 3/4 Disability.

To all the members of council 82. I, along with another disabled correctional officer just returned from albany on friday june 5th, with sat, spoke and persented not only our cases, but the cases of 3 other denied by the retirement system, with senator trunzo's office. what we have learned and been told about this whole issue is shocking to say the least, but the facts are clear.WE, all have been un-fairly denied. we are now meeting with legal council to file a class action law suit agianst the retirement system. this suit will set presadence for all corrections officers in the future.and i will keep this net up to date as to the suit. i ask how-ever that each and every one of you, look into your facility and find out, any and all members that are out on disability or have applied for this package.it is these members that are along and

need help in their battle. we are their help, so please contact them and put them in touch with me, A.S.A.P. thank you all. mr.mom94@aol.com

---

[Back to the Titles](#)

## Tuition Reimbursement 1995

When the contract expired on March 31, 1995 I was told by C82 in Albany that I would not be able to submit a tuition reimbursement voucher for the year 1995 and that the state would not pay it. Well guess what I was in the Doctors Office today reading my entire Civil Service Law Book and that is not correct. It clearly states the state must honor all parts of the existing contract until a new contract is in place. So I am asking all of you that had or wanted to submit tuition reimbursement form during 1995 please forward copies of the the denied vouchers, letter or contacts you spoke with in Albany C82 during 1995. I am moving forward with action against the state and the Council and I need your help. Tom Short  
ts5589@ny.tds.net

---

[Back to the Titles](#)

## Has AFSCME changed? or Has John Butler changed?

Has AFSCME changed its constitution since John Butler became CPC of Council 82?

\*\*\*No Dave, the constitution hasn't changed since my election.

Or, has John Butler changed his opinion of our "parent union" AFSCME, based on criteria other than the "facts" regarding AFSCME's control over Council 82?

Dave Stanson

\*\*\* Now that's a good question and one deserving of a straight answer. The only problem with it is your perception of "facts". The facts that I present don't coincide with the "facts" that you want the members to perceive which would be along your agenda lines.

As for afscme, my opinion hasn't changed much. I feel that we aren't getting everything we could get. I do realize now and acknowledge the fact that we never really used afscme to our full advantage. While the past regime disregarded afscme and their services due to the fact that they thought they couldn't provide what they themselves could provide for the members, this regime realizes that afscme does have services we can use and use them we do!

I have seen on this forum members complaining that afscme hasn't done anything for us in the past 10 years. I'll agree with that pretty much, but go on to ask; "WHY?". The simple truth is that the past regime didn't take advantage of what could be gained from afscme. Since Rich was elected Council 82 and the rest of the officials that have been elected by the membership has reached to afscme to provide all it can for our members. Your Council 82 elected officials reach deep into afscme's services and its Treasury now (that's a big difference that you won't acknowledge). Rich hasn't been President of Council 82 for 2 years and he has brought our members back about 2 million dollars of our dues sent to Washington. This

money wasn't owed us, its what we are entitled to that was never claimed prior to his election. I don't think afsme has changed much Dave, but your elected officials of Council 82 has and with that the membership is now getting what they should have gotten all along.

I read that afsme controls Council 82 by people who really wouldn't know if they did or not yet profess that they do. If Council 82 is being controled by afsme then they are also the best back seat drivers I have ever known of. I don't hear a peep out of them directing me. To date the ONLY request that I have received from afsme was when I was first elected and Russ Clemmons requested a time to meet with me. Since that request from afsme, all questions, suggestions, demands, and requests have come from ME to afsme. They even schedule around us.

The first meeting I attended with seide, massey, and clemmons was based on demands to afsme and informing them of the direction Council 82 was taking. While they didn't applaude us and seemed uneasy of what we were saying, they have helped us do what we wanted to do. They have never intervined or tried to stop anything we wanted to do, and I know it wasn't all in line with their way of doing things. To date, all we have received was assistance!!

Even afsmes political views aren't adhered to by Council 82. While afsme has its based on Democratic beliefs, Council 82s are based on Republican beliefs ( which is contrary to some of our other beliefs). I haven't seen a conflict on this political difference nor has afsme tried to persuade us otherwise. They have supported candidates of our choosing and should they have one we could supoport, we will. This doesn't make for conflict, it makes for a stronger union and proves that Council 82 directs its own political agendas.

Since my election I have also learned about a little known organization called "AFSCME Corrections United" (ACU). This organization was created to fill a void for the Correction Councils/Locals within afsme. This may have just been a "bone" thrown to us by afsme to appease Corrections, but the potential for this organization could in fact give us a lot more then any independent ever could. I can also see where an independent would benefit by joining the ACU in the future (a name change wouldn't hurt). This organization is still in its infancy and I don't believe the leadership of it really knows what they have nor do I think they have the inclination to take it to the level it deserves to be. With a couple of constitutional changes and some redirection of the By-Laws it could in fact give us an "umbrella" for a Corrections ONLY international union!! This would give us separation from "clerical workers" yet maintain the strength a national union has. With the right leadership and movement, it could infact become the most powerful force behind Corrections and one directed by Correction Councils/locals. enough of this for now.

Now for some "pattern bargining". What a bunch of crap the members are being fed on this. What isn't being told (and with good reason) just what pattern bargining really is! Since copbaa is touting Mass. as our framework for a way to break "pattern bargining" lets use them. In Mass. They have a DIFFERENT bargining structure then NYS (different laws too). Prior to going independent the Corrections local was part of an "alliance" that included 3 "other" units that weren't Corrections. When this "alliance" negotiated a contract Correction Officers HAD to accept that contract if the "other" alliances approved it. Since the Corrections had fewer members then the "other" 3 combined, they had it shoved up their asses everytime. Thats "pattern bargining". We don't negotiate with CSEA or with PEF nor do they with each other. We ratify or vote down our own agreement, PERIOD! This is why Mass. did so well going independent as did other states with the same structure, they negotiated their OWN contract!! NYS

Corrections controls the contract vote because we have the most voters, that contract will live or die on the voice of Corrections in NYS unlike Mass. which the Corrections was the minority vote.

We are more in line with "Agency Bargaining"!! Do CSEA & PEF municipalities get the same increase we do, or counties? Do the state CSEA & PEF workers get the same as their city, or county counterparts? Get real. This agency is like a factory union negotiating wage increases for the employees. Since all the employees work in the same factory, it is unlikely that any particular area in that plant will receive a much higher wage increase than another area even if they have different unions! This is what we have to contend with and what copbaa will have to contend with if they decertify Council 82. It really isn't like Mass. now is it?

I really don't see state Corrections getting a surmountable wage increase over CSEA or PEF regardless of any negotiator or union (we can and should get more though). I do see where we can gain a surmountable amount more with an upgrade and concentrating on the items that are exclusive to Corrections to bring us in line with other agencies comparable to us. I'll agree that we took it dry (not even spit) with the last contract, but can anyone say that CSEA & PEF didn't? The state had its fiscal problems at the time and had we held out another year or two we could have done better, but the fact is, it didn't happen. We and CSEA & PEF, will be playing catch-up this time around and deservingly so!!

This is getting longer than it should and I have really gotten off track. Bottom line is simple; I haven't changed! I am for the membership and always will be. If afsome is decertified I won't go into mourning. I will continue to work with what I have to work with even if it is less than before. I will continue to fight for the membership even when the members fight amongst themselves. My main thing is to always go for more and better, not less and worse! That's as it should be for all of us!

John Butler

---