

Prison News and News Articles For Correction Officers in New York State: { Page 22 }

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](#), [Back to Page #18](#),
[Back to Page #19](#), [Back to Page #20](#), [Back to Page #21](#), [To Page #23](#)

[Filing charges against Jim Mann](#)

[Elmira CF - Improper practice](#)

[VOTE ANNOUNCED FOR CHALLENGE](#)

[Rhode Island Brotherhood Of Correctional Officers standing tall!!](#)

[Watertown CO's Win Class Action Grievance](#)

[The Golf Tournament, to benefit C.O. Tom O'Donnell](#)

[Union endorses Pataki](#)

[Southport felon among first to be sentenced under 2-year-old law](#)

[PRISON OFFICERS UNION SUPPORTS PATAKI](#)

[Labor panel to rule on union challenge--- dated 8 Oct 1998](#)

[Sgt.Exam Update](#)

[Decertification Time Line](#)

[Rabbi says he was tricked into taking drugs to prison](#)

[ALL GOOD THINGS](#)

[DON'T WASTE YOUR VOTE !!!!!!](#)

["Should Crime Pay? A Review of the Evidence"](#)

[State jail Officers' Vote Near](#)

[Back to the Titles](#)

Filing charges against Jim Mann

Dear Rich Abrahamson,

1) I am filing charges against Jim Mann, Staff Representative and Grievance Coordinator for willful

violations of the AFSCME International Constitution Article 10, section 2 (G) and (K), paragraphs (6) and (7) below respectively, and breaching the trust placed in him by the Council 82 President and the Council 82 membership. To have a misunderstanding is one thing but to refuse to process the grievances mentioned below in accordance with the contract and in fact to send the originals back is indicative of someone in the organization who represents management above the membership with total disregard the effect his actions could have on the outcome of the current challenge.

2) As I am directed by Kingston Bachert, Local 1240 President, to oversee all grievances initiated at the local I had occasion on or about 20, June 1998 to mail 14 grievances along with a cover letter requesting they be heard at step II. The grievances were identified as follows: E198-015, E198-016, E198-018 Through E198-027, E198-030 Through E198-032 to Council 82. The grievances were returned to Kingston Bachert along with a letter dated 25, June 1998 which was signed by Jim Mann. As all past correspondence relating to grievances has been directed to me, as I submit them, the conclusion must be drawn that the intent of interfering with these grievances was to have them fall through the cracks in the process.

The letter reads as follows:

June 25, 1998

Kingston Bachert
President Local 1240
Re: Attached Fourteen (14) Grievances

Dear Kingston:

Attached please find 14 grievances that I am returning due to a lack of a step one response, or any explanation as to why there is no response. We as well as the employer must follow all steps of the contract agreement; If in fact management did not answer these grievances in accordance with Article 7.2 (a) then please make a notation on each grievance that management did not respond in a timely manner and resubmit them to Council 82.

I appreciate your understanding in this matter.

Fraternally,
James T. Mann
Staff Representative Grievance Coordinator
cc: Warren McMillan
Denny Middaugh
file

4) As Jim Mann's actions were out of line with the bargaining agreement I contacted him by phone and attempted to explain his error. I also explained to him the department was using the first step answers at second step, which did not constitute good faith. It was obvious that he had been told by someone to obtain the first step answers as the grievances had been assigned Council 82 numbers which were subsequently whited out. Even after I read article 7.2a, paragraph 2, as it appears below in paragraph number (5), he maintained his erroneous position to the detriment of the members of Local 1240 but to the advantage to the department as now Jim Mann was handing them the first step answer where they

should at least have to obtain it from the facility.

5) Step 2. In the event that the grievance has not been satisfactorily resolved at Step 1, an appeal may be taken by the Union in writing to the Department or Agency head, as appropriate, within 15 days from receipt of the Step 1 decision. The written appeal shall contain a description of the relevant facts from which the grievance derives and specific references to all sections of the Agreement, if any, which the Union claims have been violated. The Department or Agency Head, or designee, shall meet with the Union to review the grievance within ten days from receipt of the Step 2 written appeal and shall render a written decision which shall include a brief statement of the relevant facts on which the decision is based to the Union within ten days from the day of the Step 2 meeting. Communications concerning appeals and decisions at this Step shall be made by personal service or by registered or certified mail.

6) G. Willful violation of a legally negotiated and approved collective bargaining agreement.

7) K. Deliberately interfering with any official of the Federation or of a subordinate body in the discharge of such official's lawful duties.

8) As it is the only interest of this local to provide the best representation for the membership, local and Statewide, the remedy sought must promote this end.

9) The grievance process has always been a bone of contention with backlogs of up to 900 cases and little ability to enforce the contract. This situation is an example of how you can't teach an old dog new tricks. The Staff Representatives have their own Union (?) with many protections and little incentive to improve the track record of the Grievance Process. Even the Council 82 President has little authority over these people who are answerable to him and he is responsible for their actions.

10) As remedy we seek that the position of Grievance Coordinator be immediately excluded from the Staff Representatives bargaining unit. The fact that the holder of this position is acting in the Council 82 President's stead is in itself justification for the relief sought. The new holder of this title would serve at the pleasure of the Council President and would not be eligible for Union membership other than Council 82 and would be independent from the law firm currently representing Council 82.

Please process these charges per the requirements of the A.F.S.C.M.E International Constitution.

Sincerely,
Daniel H. Stuart
Executive Board
Local 1240

[Back to the Titles](#)

Elmira CF - Improper practice

COUNCIL 82, LOCAL 1240 1 of 3

Details of Charge

1) First to understand the gravity of the charges it must be understood that the purpose of the Fair

Employment Act (FEA) is to facilitate harmonious relations by setting the rules for the relationship between the public employer and public employee bargaining organization. All of the sections of the FEA are interrelated and by denying one right of the recognized employee organization the organization has been denied the right to exist. Thus where the employer has intentionally restricted information necessary for the bargaining unit to oversee proper application of its bargaining agreement such employer is guilty of violating Section 209-a.1.(b) and 209-a.1.(d) of the Act.

2) Elmira Correctional facility, Superintendent, Floyd Bennett; Elmira Correctional Facility First Deputy Superintendent, Dana Smith, and Elmira Correctional Facility Cpt. Richards, have all engaged in the practice of dominating, interfering with, and disrupting the cohesiveness of Council 82, Local 1240.

3) At a Labor/Management meeting dated June 5, 1997, item numbered 32, Local 1240 representatives requested a Seniority List as follows: 32. Seniority lists are continually out dated, Directives call for their updates a minimum of 4 times a year. Management, First Deputy Superintendent Smith responded, "A list is given to Central Office 4 times per year. Council 82 headquarters has this list." Management indicates that there is no official seniority list in the facility. Labor requested personnel's seniority list and Management agreed to provide this. As it has been a long standing past practice for the facility to provide the local union with a proper seniority list and the fact that Article 24 of the bargaining agreement cannot be implemented without it, Dep. Smith's response to labor was incredible.

4) The Council 82 President, Richard Abrahamson, was contacted and a Seniority List was requested from him. On or about June 25, 1997 two lists for Correction Officers were sent to me with the Department of Correctional Services letter head. Neither of these lists met the criteria required by Civil Service to serve as a seniority list. These lists could not serve the purpose of implementing the bidding process contained in the current bargaining agreement. One list was given in last name order and the other was titled, "LISTING OF ALL OFFICERS AT ELMIRA IN CLASSIFIED SENIORITY DATE ORDER." A note scrawled on the cover sheet of these lists stated, "Rich, For COs facility has time in title seniority, not us. If facility does not give it, I will tell the m to produce it." signed K.Breen. At the time the local accepted the list as proper as we had no reason to believe the department would have a list titled seniority, which did not meet Civil Service guidelines.

2 of 3

5) On 6/16/98 Officer G. W. became aware that his position on the seniority list had been changed . He made this observation while perusing a seniority list which I had Personnel print up for me on this date. A grievance was filed on June 29, 1998. As remedy for this grievance a request was made that management disclose the current policy for ranking on the seniority list. And if applicable correct and disseminate the seniority list to Local 1240. On September 3, 1998 at a second step hearing Local 1240, Executive Board Member, Daniel Stuart was presented with a seniority list which included: hire date, test score and scramble (Civil Service Tie Breaker) this was the first list which appeared to be correct. Note: This was after the following incidents.

6) On July 18, 1998 Officer R. XXXX was awarded job 811, RDO relief in err due to the lack of a proper Seniority List. The err was discovered several weeks after the job was awarded when Officer E. #####, who had been absent due to a personal injury, approached Lt. Smith, the Planning Lieutenant. Officer ##### explained that his test score was higher and he should have been placed ahead of officer XXXX on the Seniority List. Lt. Smith contacted local union officials, Kalec and Thatcher and it was agreed to

award job 811 to Officer #####. This caused a problem with job 817. Had Officer XXXX not won job 811 he would have been eligible to bid job 817, which was awarded on 7/25/98 to Officer YYYY. It was substantiated by Officer YYYY that Officer XXXX would have bid on job 817 had he been eligible as they had talked about it. Kalec, Thatcher and Lt. Smith attempted to remedy the situation by awarding job 817 to Officer XXXX. However the local membership has become polarized over the issue causing disruption of the cohesiveness of the local. Half of the members feel that Officer YYYY should have held job 817, the other half feel the situation was handled properly under the circumstances.

7) This Local has had ongoing difficulties in obtaining such information relating to terms and conditions of employment. At every turn management has delayed and diverted from providing information which Local 1240 has a legal right to. It is not only that the bargaining agreement requires management to provide a seniority list but it is a fact that jobs cannot be awarded in good faith without a proper Seniority List. First Deputy Superintendent Smith openly indicates per the June 5, 1997 Labor/Management Minutes, "Management indicates that there is no Official Seniority List at the facility." It is clear that as soon as management knew there was no Official Seniority List it was their obligation to immediately produce one and supply the Union with a copy. The end result of all of this delay and maneuvering was a further disruption of the cohesiveness of the Local Union.

3 of 3

8) This incident displays the disregard department heads have for The Fair Employment Act and a contempt for departmental employees and their bargaining unit. It is clearly the duty of P.E.R.B. under 204-a.(5) (d) of the Act, "To establish procedures for the prevention if improper employer and employee organization practices as provided in section two hundred nine-a of this article, and to issue a decision and order directing an offending party to cease and desist from any improper practice, and to take such affirmative action as will effectuate the policies of this article (but not to assess exemplary damages) including but not limited to the reinstatement of employees with or without back pay; provided, however, the board shall not have authority to enforce an agreement between an employer and an employee organization and shall not exercise jurisdiction over an alleged violation of such an agreement that would not otherwise constitute an improper employer or employee organization practice."

9) Remedy: It is the desire of Council 82, Local 1240 that the Fair Employment Act be applied in a fair and equal manner to management and labor. To prevent future breaches of the Act in the Department of Corrections a course of training in the purpose and application of the Fair Employment Act should be mandated for every employee with the rank of Captain or higher. Managers cannot act in accordance with an Act they have had no exposure to.

Respectfully submitted,
Daniel H. Stuart, Executive Board
Council 82, Local 1240

[Back to the Titles](#)

VOTE ANNOUNCED FOR CHALLENGE

- September 9, 1998-- Meeting with NYSCOPBA, Council 82, NYS & PERB to resolve election rules.
- October 30, 1998-- Ballots mailed to Security Services unit.
- November 9 & 10, 1998-- Call in for lost ballots. (Phone number will be added here)
- November 11, 1998-- Deadline to return ballots
- November 20, 1998-- Ballots counted at the 'Egg' in Albany.
-

[Back to the Titles](#)

Rhode Island Brotherhood Of Correctional Officers standing tall!!

This is how you fight privatization.

Excerpts from the Providence Journal, 9/11/98 by Tom Mooney

This past week members of RIBCO voted 879-52 to reject a 13% wage increase because the agreement "would have allowed outsiders, untrained and underpaid to do our work" said union spokesman Ken Rivard. "If you look at the tentative agreement on just about every page, in some way or fashion, they were talking about subcontracting." The agreement called for the Brotherhood to accept private, competitive bidding for the prisons food service and medical care programs. And it raised the specter of a private company eventually supervising inmates in a community-confinement or work release program - jobs now performed by correctional officers.

For some twenty years, a clause in the Brotherhood contract prohibited the state from subcontracting any duties currently being preformed - or which might be performed in the future- by a union member."

RIBCO held a rally denouncing the contract and have a press conference and rally scheduled for Tuesday October 22. This is what zero tolerance of privatization means, this is what it takes. RIBCO is an 1,100 member independent with guts and conviction. Any of you wishing to express your support can do so by contacting President Sean Rocchio at RIBCO 1-401-943-4110 or at ROCO686@aol.com. Or contact RIBCO at brotherhood@ids.net. I am sure they will appreciate your support.

[Back to the Titles](#)

Watertown CO's Win Class Action Grievance

Two Officers at Watertown recently won a class action grievance brought against Watertown CF regarding paying 15 minutes overtime to Officers who work 8 minutes past their shift (this includes walking up front from down back after being relieved "late" or very close to the scheduled time to get off).

Sooooooo folks, your relief a minute late ??? Takes you a few minutes to get up front to the time clock (a direct walk, guys and gals -- come on, no stopping at the employees mess for a cup of coffee !!!) and you punch out 8 minutes after the end of your shift ??? YOU ARE OWED 15 MINUTES OF OVERTIME Put in for it. The grievance was won.

C-82 file number: C94-0285

OER file number: 94-01-407

Legal file number: 96-73

[Back to the Titles](#)

The Golf Tournament, to benefit C.O. Tom O'Donnell

The Golf Tournament, to benefit C.O. Tom O'Donnell and his family, sponsored by the employees of Wyoming C.F. was a great success. We had over 250 people in attendance, from jails as far as Mohawk. Most of the people there were from Wyoming, and it was unbelievable the response we got from officers and civilian staff. The entire facility pulled together to help our brother who was stricken with Parkinson's disease and can no longer work. We raised over \$13,000 in one day for Tom and his family. Tommy spoke to everyone for a few minutes and when he did you could have heard a pin drop. When he was finished, there was not a dry eye anywhere in the crowd. This man has more courage than anyone could ever have. We would like to thank C-82 for donating two Golf clubs that were used for prizes in a chipping contest, which raised over \$500.

Again it was shown what we as brothers can do when we stick together and set our minds to something.

Thank you everyone who participated or donated anything. I know Tom and his family appreciate it.

John Perry
Wyoming C.F

[Back to the Titles](#)

Union endorses Pataki

SYRACUSE - Republican George Pataki won the endorsement yesterday of a public employees' union that backed the democrat he beat for governor in 1994, Mario Cuomo.

"He is truly the law enforcement governor in the United States," Council 82 President Richard Abrahamson told more than 500 delegates at the union's annual convention.

Abrahamson's union represents some 26,000 state prison guards, local jail guards, State University of New York security officers and other law enforcement personnel. In the past year, it has boosted the money it spends on lobbying and campaign contributions in New York from about \$75,000 to more than \$1 million in a bid for more political clout.

9/29/98

[Back to the Titles](#)

Southport felon among first to be sentenced under 2-year-old law

By JIM PFIFFER
Star-Gazette

Roger Stokes was sentenced Friday to 15 years to life in prison. His harsh sentence wasn't for murder, rape or assault.

The 38-year-old Stokes was sentenced for throwing urine and feces on a counselor at Southport Correctional Facility.

Stokes is the one of the first inmates in New York convicted and sentenced under a two year-old law that makes it a felony to throw bodily fluids at prison staff.

Chemung County Judge Samuel J. Castellino told Stokes the sentence was both a punishment for a continuing life of violent crime --even while in prison -- and a deterrent.

"The crime you are convicted of is one the most reprehensible, contemptible and disgusting crimes anyone could commit," said Castellino. "This type of conduct can not be tolerated. It is my view that you pose a continued threat to society, both inside and outside of (prison)."

Stokes, of New York City, has been fighting authority and breaking the law since he was a kid. He killed a cab driver, and robbed, beat and stabbed other victims, said Assistant Chemung County District Attorney Thomas O'Mara.

He's been termed a "criminal psychopath" and spent 20 of the last 22 years behind bars, O'Mara said.

Stokes is in Southport serving the remainder of a 12-year-sentence, imposed in 1989 for an attempted robbery in New York City, said his lawyer, Chemung County Public Defender Richard W. Rich Jr.

Stokes has at least five felony convictions -- one of the reasons why Castellino imposed the long sentence.

On Friday Stokes continued to fight authority. Prior to his sentencing, he began a long and loud tirade in which he argued with the judge, tried to fire his lawyer, asked that the sentencing be postponed, claimed witnesses lied and maintained his innocence.

At one point he tried to walk away from the judge, declaring that he wasn't going to stand before him and be sentenced to life in prison.

A correction officer -- one of three surrounding the handcuffed Stokes -- grabbed his shoulder to restrain him.

"Don't you put your hand on me!" an angry Stokes snapped at the officer. Stokes stayed put, but continued his demands.

His behavior didn't surprise Virginia Livermore, the counselor who was hit in the face by the disgusting mixture.

"He's just putting on a big shaw," said Livermore, who sat through the sentencing. "It doesn't surprise me."

A Chemung County jury convicted Stokes in June of aggravated harassment of a correction employee by an inmate -- the first such conviction in Chemung County.

The law was passed in response to increased numbers of inmates throwing bodily fluids at prison staff. Prior to the new law, it was a violation of prison rules, but not a criminal offense.

[Back to the Titles](#)

PRISON OFFICERS UNION SUPPORTS PATAKI

THE CHIEF-CIVIL EMPLOYEES' WEEKLY. October 2, 1998

The union representing state Correction Officers gave its endorsement to Governor Pataki's re-election campaign at the opening of its annual convention in Syracuse September 28.

The union, Council-82 of the American Federation of State, County and Municipal Employees, represents 26,000 prison officers in state-run correctional facilities throughout the state.

ALSO BACKED BY COBA

The Council-82 endorsement of the Governor follows that the city's Correction Officers Benevolent Association, which announced last month that it would support Mr. Pataki's re-election.

The Governor was the keynote speaker at the union's 29th annual convention and received the Council-82 endorsement after delivering his remarks.

Also due to address the four-day convention were: Gerald W. McEntee, the international president of AFSCME; State Attorney General Dennis C. Vacco; State Comptroller H. Carl McCall; State Senator Michael F. Nozzolio, R., Seneca Falls, chairman of the State Senate Committee on crime Victims, Crime and Corrections; and Assemblyman Thomas M. Reynolds, R., Springville.

[Back to the Titles](#)

Labor panel to rule on union challenge--- dated 8 Oct 1998

Council 82 questions petition signatures submitted by rival unit for guards' representation

by Saul Ferrer-----E-mail address SFerrer@pressrepublican.com

Plattsburgh- Correction officers statewide a decision on whether their longtime union is challenged by the new kid on the prison block. Come November, will C82 still represent them or will NYSCOPBA

takeover? The decision could depend on a state PERB judgment. NYSCOPBA submitted the necessary 7,600 signatures about 1/3 of C82 statewide members to challenge the union in a member-wide vote in November.

But C82 is challenging that petition, claiming at least 300 signatures were falsified. Now PERB officials must decide whether to accept the signatures and let members decide or toss out petitions. "We found it difficult to believe that, at the last moment, they were able to produce several hundred signatures," said state council 82 spokesperson Dan Curran. "These people have no experience and no structure. "Bob Cronin said, "it was not only possible, it was easy. The rest of the state is more sympathetic to our cause, but the North country is coming around." Earlier this year NYSCOPBA began canvassing New York in hopes of challenging 30 year old C82.

Organizers say they want to break away from C82 and its parent group, AFSCME. "As correction officers, we walk the toughest beat, and we want to be paid for it." said NYSCOPBA secretary David Stanson. "AFSCME is mostly clerical. We really aren't represented for our job." Stanson said the group is a non-profit organization, bound by state labor laws. By being an independent, Stanson said, the association hopes to focus on correction officers' needs and gets them better benefits, such as a 20-year retirement plan and a higher cost of living increases.

The association has made few inroads with the 3500 correction officers in the North Country- long pro a pro-C82 region. During their May presentation in Plattsburgh, NYSCOPBA representatives were criticized by C82 members for pitching hollow promises and not providing straight forward answer. "Its the same old story," said Andrew Guynup president of local C82 union at Clinton Correctional Facility. They're promising members things like cost of living increases as if they can go to a corner supermarket and pick it up. There's a reason it's never worked that way for any union. What if this 'corporation' folds?

Guynup said NYSCOPBA is more persuasive with younger officers. "They'll tell these officers exactly what they want to hear, because they don't know what these challengers are about." The older officers, he said, have seen groups similar to NYSCOPBA come and go. Since 1968, C82 has faced repeated challenges most recently in 1994 with The Union For Correction Officers (TUFCO) which were all rejected by members. By law C82 can be challenged around contract negotiation time, which begins in January. "Its a distraction, because we're dealing with this association when we should be concentrating on preparing to fight for our members," Guynup said. It's a pattern of distraction that divides the union and could hurt its bargaining efforts, he said. If PERB approves the petitions, NYSCOPBA will send out ballots by Oct 30, with results counted by the end of November. A PERB decision on NYSCOPBA's challenge is expected today

[Back to the Titles](#)

Sgt.Exam Update

It has finally happened! My appeal to get us a fair and proper review of the Sgt exam has become a lawsuit. The suit was filed a little over a week ago. I received my copy in the mail a few days ago.

Many of my fellow C.O's in my own facility did not even realize that I was still pursuing this matter, so I can imagine that a vast majority out there have given up hope a long time ago. Please spread the word amongst your coworkers. I have taken this issue farther than anyone has ever before.....it is in the hands

of a judge for now. I will gladly answer questions from anyone.

[Mike Blaine](#)

CLINTON C.F.

[Back to the Titles](#)

Decertification Time Line

October 30, 1998-- Ballots mailed to Security Services unit.

November 2, 1998-- Ballots mailed to Security Supervisors unit.

November 9 & 10, 1998-- Call in for lost/missing Security Services ballots.

November 10, 1998-- Call in for lost/missing Security Supervisors ballots.

November 19, 1998-- Deadline to return Security Services ballots.

November 20, 1998-- Ballots counted for Security Services at the 'Egg' in Albany.

November 22, 1998-- Deadline to return Security Supervisors ballots.

November 23, 1998-- Ballots counted for Security Supervisors at PERB.

[Back to the Titles](#)

Rabbi says he was tricked into taking drugs to prison

By MARC VIOLETTE

Ottaway News Service

ALBANY - Rabbi Eli Gottesman, arrested last week for smuggling a bottle of Pert Plus shampoo filled with drugs into Ray Brook federal prison, said yesterday: "I was tricked into it.

"God knows I didn't do any wrong," the 73-year old rabbi said after his federal court appearance here.

Gottesman, of Ogdensburg, is paid by the state and the federal governments to conduct religious services for inmates at prisons scattered across the northern part of the state.

He was arrested at Ray Brook last Wednesday as he arrived to perform a religious ceremony and charged with attempting to smuggle cocaine and marijuana into the medium-security prison. He pled not guilty when he was brought before U.S. Magistrate Henry Vanacker in Rouses Point. Federal officials said Gottesman's arrest was the result of a months-long investigation by the F.B.I., the federal Inspector General and the State Police.

"This didn't just happen by chance," said Ray Brook prison spokesman Michael Lamitie. "We were prepared for him."

Gottesman faces up to 20 years in prison and up to \$250,000 in fines if convicted.

The short, elderly rabbi, who was named "Rabbi of the Year" in 1987 by the New York State Board of Rabbis, appeared before federal judge David Homer in a rumpled dark blue suit.

Homer set Nov. 5 as the date for a preliminary hearing in the matter – federal prosecutors will present their case against Gottesman then – and told the rabbi he can remain free until his hearing but set strict conditions for his release.

Homer ordered Gottesman not to leave New York state while his case is prosecuted. That prevents the rabbi, who is a dual U.S.-Canadian citizen, from traveling to Montreal where he has a home.

And Homer told the rabbi to turn in his passport and not drink alcohol. "I want to be honest and carry out the instructions," Gottesman told Homer. "Even on the Sabbath I will use grape juice, not wine."

Homer also ordered Gottesman not to enter any prison or psychiatric facilities unless he receives permission from the court.

State corrections commissioner Glenn Goord said yesterday that Gottesman will be "locked out" of all state prisons for the duration of the legal action against him. Gottesman has been a prison rabbi for the state since 1984 at a salary of \$52,785. Since 1991 he also worked on a part-time contract of \$3,420 to provide services to federal inmates.

"It's always surprising and disappointing when any (prison) employee is involved in a situation like that," Goord said. "But when it's a member of the clergy it makes me think about it even more."

Gottesman posted a \$30,000 bond that he will forfeit if he violates the conditions of his release.

His lawyer, Brian Premo of Albany, said the rabbi was "very upset" by his arrest and the charges against him.

"He's a nice man," said Premo. "He's always attempted to help people. The issue is going to be whether he knowingly brought drugs into the prison." In an impromptu interview after his court appearance, Gottesman said he brought the bottle of shampoo into the prison as a favor for the sister of an inmate.

"It's an act of God," Gottesman said of his arrest. "I am very calm because I know that I didn't do anything."

[Back to the Titles](#)

ALL GOOD THINGS

He was in the first third grade class I taught at Saint Mary's School in Morris, Minn. All 34 of my students were dear to me, but Mark Eklund was one in a million. Very neat in appearance, but had that happy-to-be-alive attitude that made even his occasional mischievousness delightful. Mark talked incessantly. I had to remind him again and again that talking without permission was not acceptable. What impressed me so much, though, was his sincere response every time I had to correct him for misbehaving - "Thank you for correcting me, Sister!"

I didn't know what to make of it at first, but before long I became accustomed to hearing it many times a

day.

One morning my patience was growing thin when Mark talked once too often, and then I made a novice-teacher's mistake. I looked at Mark and said, "If you say one more word, I am going to tape your mouth shut!"

It wasn't ten seconds later when Chuck blurted out, "Mark is talking again." I hadn't asked any of the students to help me watch Mark, but since I had stated the punishment in front of the class, I had to act on it.

I remember the scene as if it had occurred this morning. I walked to my desk, very deliberately opened by drawer and took out a roll of masking tape. Without saying a word, I proceeded to Mark's desk, tore off two pieces of tape and made a big X with them over his mouth.

I then returned to the front of the room. As I glanced at Mark to see how he was doing, he winked at me.

That did it!! I started laughing. The class cheered as I walked back to Mark's desk, removed the tape, and shrugged my shoulders. His first words were, "Than you for correcting me, Sister."

At the end of the year, I was asked to teach junior-high math. The years flew by, and before I knew it Mark was in my classroom again. He was more handsome than ever and just as polite. Since he had to listen carefully to my instruction in the "new math," he did not talk as much in ninth grade as he had in third. One Friday, things just didn't feel right. We had worked hard on a new concept all week, and

I sensed that the students were frowning, frustrated with themselves - and edgy with one another. I had to stop this crankiness before it got out of hand. So I asked them to list the names of the other students in the room on two sheets of paper, leaving a space between each name.

Then I told them to think of the nicest thing they could say about each of their classmates and write it down. It took the remainder of the class period to finish their assignment, and as the students left the room, each one handed me the papers. Charlie smiled. Mark said, "Thank you for teaching me, Sister. Have a good weekend."

That Saturday, I wrote down the name of each student on a separate sheet of paper, and I listed what everyone else had said about that individual.

On Monday I gave each student his or her list. Before long, the entire class was smiling. "Really?" I heard whispered. "I never knew that meant anything to anyone!" "I didn't know others liked me so much." No one ever mentioned those papers in class again. I never knew if they discussed them after class or with their parents, but it didn't matter.

The exercise had accomplished its purpose. The students were happy with themselves and one another again.

That group of students moved on.

Several years later, after I returned from vacation, my parents met me at the airport. As we were driving home, Mother asked me the usual questions about the trip - the weather, my experiences in general.

There was a lull in the conversation. Mother gave Dad a side-ways glance and simply says, "Dad?"

My father cleared his throat as he usually did before something important. "The Eklunds called last night," he began. "Really?" I said. "I haven't heard from them in years. I wonder how Mark is." Dad responded quietly. "Mark was killed in Vietnam," he said. "The funeral is tomorrow, and his parents would like it if you could attend." To this day I can still point to the exact spot on I-494 where Dad told me about Mark.

I had never seen a serviceman in a military coffin before. Mark looked so handsome, so mature. All I could think at that moment was, Mark I would give all the masking tape in the world if only you would talk to me.

The church was packed with Mark's friends. Chuck's sister sang "The Battle Hymn of the Republic." Why did it have to rain on the day of the funeral? It was difficult enough at the grave side The pastor said the usual prayers, and the bugler played taps. One by one those who loved Mark took a last walk by the coffin and sprinkled it with holy water.

I was the last one to bless the coffin. As I stood there, one of the soldiers who acted as pallbearer came up to me. "Were you Mark's math teacher?" he asked. I nodded as I continued to stare at the coffin. "Mark talked about you a lot," he said.

After the funeral, most of Mark's former classmates headed to Chuck's farmhouse for lunch. Mark's mother and father were there, obviously waiting for me. "We want to show you something," his father said, taking a wallet out of his pocket. "They found this on Mark when he was killed.

We thought you might recognize it."

Opening the billfold, he carefully removed two worn pieces of notebook paper that had obviously been taped, folded and refolded many times. I knew without looking that the papers were the ones on which I had listed all the good things each of Mark's classmates had said about him.

"Thank you so much for doing that," Mark's mother said. "As you can see, Mark treasured it." Mark's classmates started to gather around us. Charlie smiled rather sheepishly and said, "I still have my list. It's in the top drawer of my desk at home." Chuck's wife said, "Chuck asked me to put his in our wedding album." "I have mine too," Marilyn said. "It's in my diary."

Then Vicki, another classmate, reached into her pocketbook, took out her wallet and showed her worn and frazzled list to the group. "I carry this with me at all times," Vicki said without batting an eyelash. "I think we all saved our lists."

That's when I finally sat down and cried. I cried for Mark and for all his friends who would never see him again.

THE END

Written by: Sister Helen P. Mroska

[Back to the Titles](#)

DON'T WASTE YOUR VOTE !!!!!

FOLLOW INSTRUCTIONS!!!!!!!! DO NOT WRITE ANYTHING OTHER THAN THE APPROPRIATE MARK ON YOUR BALLOT!!!! SIGN THE ENVELOPE ON THE OUTSIDE BACK PER INSTRUCTIONS!!!! SAMPLE

STATE OF NEW YORK PUBLIC EMPLOYMENT RELATIONS BOARD NOTICE OF ELECTION

TO DETERMINE THE REPRESENTATIVE FOR COLLECTIVE NEGOTIATIONS DESIRED BY CERTAIN EMPLOYEES OF the State of New York

An election will be held on November 20, 1998 by the Director of Public Employment Practices and Representation of the New York State Public Employment Relations Board for the purpose of determining whether the employees described below desire to be represented for the purpose of collective negotiations by: (A) N.Y.S Correctional Officers and Police Benevolent Association, Inc. (NYSCOPBA), (B) Council 82 or (C) Neither organization.

ELIGIBILITY OF VOTERS: Those eligible to vote are the employees described below who are in the employ of the Employer on the September 17-30 1998 Administrative payroll or the September 24-October 71 1998 Institutional payroll and who are still so employed on November 20, 1998:

Included: Security Services Unit

Excluded: All other employees

THIS ELECTION WILL BE CONDUCTED BY SECRET MAIL BALLOT: P.E.R.B. will mail an official ballot with attached instructions and a return, pre-addressed, stamped envelope to each voter's home address. If you do not receive your ballot by November 8, 1998, telephone the Public Employment Relations Board only during the assigned call in period from 8:30 a.m. November 9, 1998 to 4:30 p.m. November 10, 1998 at 1-800-994-0110 to request your ballot package.

INSTRUCTIONS TO ELIGIBLE VOTERS (Failure to comply may invalidate your ballot!)

- (1) Mark your ballot by placing an "X", in the box which indicates your choice. Please do not place any other marks on the ballot DO NOT SIGN THE BALLOT!**
- (2) Detach the ballot and insert it in the return, preaddressed, stamped envelope.**
- (3) SIGN YOUR FULL NAME ON THE SIGNATURE LINE ON THE BACK OF THE ENVELOPE!**
- (4) Mail your signed envelope to the Public Employment Relations Board in time for it to be received by 9:00 a.m. November 19, 1998. DO NOT REMOVE THE LABEL FROM THE BACK OF THE RETURN ENVELOPE! This procedure is designed to ensure the secrecy of your vote.**

AUTHORIZED OBSERVERS: The parties may designate observers to be present when your name on the return envelope is verified against the voter eligibility list After eligibility has been verified, the ballot will be removed from the envelope by PERB agents in a manner designed to ensure the secrecy of

your vote.

THIS IS THE ONLY OFFICIAL NOTICE OF THIS ELECTION THIS NOTICE IS TO BE POSTED BY OCTOBER 16, 1998.

OFFICIAL BALLOT

OFFICIAL BALLOT

SECRET POLL OF THE EMPLOYEES OF the State of New York

Mark an "X" in the one box on this ballot designating your choice

Council 82

N.Y.S. Correctional Officers and Police Benevolent Association, Inc. (NYSCOPBA)

Neither

[Back to the Titles](#)

"Should Crime Pay? A Review of the Evidence"

ALBANY - The New York State law Enforcement Officers Union, Council 82, CSEA and AFSCME Corrections United, the branch of the American Federation of State, County and Municipal Employees representing some 100,000 correction officers and support staff nationwide are initiating a national legislative and lobbying effort focusing on the growing problems with for-profit prisons.

As part of the campaign, leaders of Council 82, CSEA and AFSCME New York held a news conference today in Albany to release a report entitled "Should Crime Pay? A Review of the Evidence." The report, based on a study of private prisons across the nation conducted by ACU, concludes that:

* CEOs of for-profit prisons claim to save taxpayers as much as 20% in cost reductions that rarely, if ever, materialize.

* Crime does pay for some. The Corrections Corporation of America, which owns more than half of all private inmate beds had an overall performance in the top 20% of stocks for the last 10 years.

* For-profit prisons have a greater incidence of violence, riots and inmate escapes than public prisons.

This report shows "the very dark downside of prison privatization including the loss of accountability to the people," said Eliot Seide, AFSCME area director for New York. "In study after study state prisons are shown to be better. State personnel are better trained: there is a lower turnover rate, mainly because of better pay and benefits: there are fewer escapes, riots and incidents of violence," Seide pointed out.

While the research applies to all private prisons, it is especially important here in New York where CCA has purchased land in the Sullivan County community of Fallsburg and wants to build a private prison, an idea backed by some in local government for its potential impact on the town tax base, but opposed by state officials. The real intentions of CCA in Fallsburg remain shrouded in mystery as CCA claims that it plans to run an Immigration and Naturalization facility, but INS says there are no such plans.

"The report confirms what we have believed all along, private prisons are inferior, more dangerous, and a significant threat to the communities they are located in," said Richard S. Abrahamson, Council 82 President. "The difference is professionalism and the simple fact is the for-profit prisons don't have it, because the bottom line is what it's all about."

Abrahamson, Seide and CSEA President Danny Donohue discussed other issues to be considered in the public debate over private prisons such as companies not living up to assurances to the community by dumping violent inmates in prisons where the inmate population was supposed to be non-violent, the employment of former government correction officials at high rates of pay, and the question of who is responsible in the event of civil or criminal litigation.

CSEA President Danny Donohue summed up the case against prison privatization.

"There's a public safety issue here that can't be ignored. If you go cheap, you get cheap. It's nonsense to think you can provide correctional services at discounts. There is Just too much at stake."

For further information contact:

Bob Lawson at Council 82 (518) 489-8424 Ext. 226 or
John Funicello at AFSCME, New York (518) 869-2245 or
Stephen Madarasz at CSEA (518) 257-1270.

[Back to the Titles](#)

State jail Officers' Vote Near

Bid to Oust AFSCME

By WILLIAM VAN AUKEN

For the third time in 14 years, state prison officers are voting on whether to throw out their union, Council 82 of the American Federation of State, County and Municipal Employees, and replace it with a rival organization.

In addition to the state's correctional officers, the union counts other law enforcement officers, Park Rangers, Forest Rangers and Lifeguards among its 26,000 members.

PERB to Preside

The state's Public Employment Relations Board certified petitions for a bargaining representation election submitted by the New York State Correctional Officers and Police Benevolent Association (NYSCOPBA). PERB confirmed valid signatures of more than a third of Council 82's membership asking for the vote.

PERB, which is conducting the elections, is scheduled to mail out ballots on Oct.30 and to count them at a theater in Albany on Nov.20. This timetable could be delayed, however, by challenges filed by Council 82 over the way that the Signatures were gathered and counted. The unions challenges are to be considered by a board meeting Oct.27.

A spokeswoman for PERB said it was not certain whether the board would consider the challenges and,

if it did not, the vote would proceed.

NYSCOPBA, the dissident group, proposes a go-it-alone strategy for state correctional officers, forming an independent union and cutting loose that section of Council 82's membership that is not involved in law enforcement.

It charges that some \$2 million that the union sends annually to AFSCME national headquarters is wasted and that the inclusion of non-law-enforcement personnel is diluting the strength of the union.

A spokesman for the group said a Council 82 had retaliated for the PERB election challenge by formally expelling all NYSCOPBA officers from the union.

AFSCME has faced successful challenges in a number of other states, including California, Massachusetts Nevada, Rhode Island and Wisconsin, where jail officers have replaced the union with independent organizations. NYSCOPBA supporters say that these new bargaining groups, by focusing solely on correctional officers, have been able to win higher wages and better conditions for their members.

Council 82 spokesman Daniel I. Curran, however, claims that the union's members actually have it better than their counterparts represented by independent unions elsewhere.

'Can't Top Benefits'

"New York state correctional officers have the best deals for health benefits, seniority, personal leave, sick days, uniform allowance and holiday pay," he said. "This group says that COs should emulate California, but they don't mention that the California prison system has a 1-7 ratio for COs to prisoners, compared to a 1-3.3 in New York. They also don't tell our members that the union there bowed to the state's demand for random drug testing and a lengthening of the work day.

The Council 82 spokesman added that the importance of affiliation to a national union had been made clear earlier this year when AFSCME's lobbying efforts in Washington helped stave off legislation that would have cut benefits for the state's prison officers.

Mr. Curran charged that the dissident organization served as a "front for an Albany law firm-Hiram, Straub, Pigors and Manning that has given NYSCOPBA a storefront office. The union has claimed that the firm has been promised a \$3 million retainer if the dissidents' challenge proves successful.

NYSCOPBA, which failed to return phone calls, has previously denied this charge, insisting that it has only a handshake agreement on a deal to provide legal services. The firm already represents the New York State Troopers Benevolent Association.

Prior Troubles

The AFSCME council has represented state prison officers for a quarter of a century, but it has not had an easy tenure. In 1994-95, Council 82 was shaken by financial crisis and its old leadership was swept out amid allegations of corruption. As a result, the council under receivership by the national union.

In the midst of this crisis, AFSCME barely staved off its second challenge from a previous dissident formation known as The Union for Correction Officers and Law Enforcement, or TUFCE, keeping its representation status by a margin of just 900 votes out of nearly 16 000 cast.

Supporters of TUFCA are to be found on both sides of the current conflict; Council 82 President Richard Abrahamson himself acknowledges voting for the dissidents in 1994.

THE CHIEF-LEADER, FRIDAY, OCTOBER 30, 1998
