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GOP officials extol Council 82

The Associated Press

ALBANY - Republican state legislators are pitching in to retain Council 82 as bargaining agent for state correction officers through a letter-writing campaign extolling the virtues of the union to rank-and-file members.

In nearly identical language, the legislators' letters tell Council 82 members that the union has become "powerful and respected" among both Democrats and Republicans in Albany. It has made "great" strides in becoming a "respected advocate for your interests," the letters say.

Leaders of a group seeking to usurp Council 82 as the guards' representative argue that lawmakers are butting into a private labor dispute, and improperly using the prestige of their office to try to sway the outcome of a recertification vote.

The state Correctional Officers and Police Benevolent Association is challenging the Albany-based Council 82's position as bargaining agent for correction officers and other state security personnel. Ballots must be returned by April 19 and are to be counted April 29.

Republican Assemblyman George Winner of Elmira was among the GOP legislators who signed the letter. Winner said he did so at the behest of Council 82, but stressed he would not have signed it if he didn't think it was true.

"I did that letter with the understanding that they (Council 82 officials) would be reproducing it and sending it to Council 82 members in my district," Winner said Monday.

Winner said he has been supported as a candidate by Council 82 in the past and also received money from the group's ever-more-active political action committee.

"I had no difficulty expressing that opinion in writing," Winner said.

Others signing similar letters included Assemblyman H. Robert Nortz of Watertown, Assemblyman Joel Miller of Poughkeepsie, Assemblywoman Dierdre Scozzafava of St. Lawrence County and Assemblyman Chris Ortloff of Plattsburgh. All are Republicans.

A spokesman for Assembly Republican Minority Leader John Faso said his boss did not organize the letter-writing campaign or order his members to participate. Harry Spector denied that the letters direct Council 82 members to vote one way or another in the leadership challenge balloting.

"Nobody is urging anyone to take any action in terms of this election," he said.

Spector said the letters were not on official Assembly stationery, were "undoubtedly" mailed out by Council 82 and that no taxpayer money was involved in the effort.

The executive director of the state Public Employment Relations Board, Rose Marie Rosen, told the Watertown Daily Times that the agency will look into the letter-writing campaign. She was out of the office and not available for comment Monday.

Daniel Curran, a spokesman for Council 82, said he didn't know details about the letter-writing campaign.

"I deal with the public relations stuff," Curran said. "This would have been a legislative activity."

The insurgent labor group's vice president, Bill West, contended that the letters are a pay back for the \$650,000 the union spread around in political contributions last year.

"But they could get a letter from the pope or Henry Kissinger and that can't change the bad contracts or the misappropriation of union funds," West said.

Council 82 suffered through a scandal in 1995 when top officials were ousted for using official funds for trips, meals and other personal expenses. Dissatisfied members of the union have also complained about contracts negotiated recently with the state by Council 82 and of the \$2 million-plus in Council 82 dues which are forwarded to its mother union, the American Federation of State, County and Municipal Employees, each year.

In addition to correction officers, Council 82 also represents forest rangers, environmental conservation officers, life guards and State University of New York campus security officers

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Lawmakers should stay out of Council 82 vote

Glens Falls Post Star

April 9, 1999

Editorial

In politics, it's assured that those in power will use every resource at their disposal to maintain their hold on power.

But in the political culture of Albany, that tradition often is carried a step further: Those in power use their resources to help others in power, even those they theoretically oppose, so as to preserve the current balance of power.

Some cynics even claim the state's two major political parties each want the other to maintain control forever in one chamber of the Legislature, so that the Democrats who run the Assembly and the Republicans who run the state Senate can always blame each other for the lack of progress on their own party's stated agenda.

Against this backdrop, perhaps it shouldn't surprise anyone that a group of at least five Republican assemblymen recently sent letters to the state's prison guards, praising the guards' current union leaders, who are in the middle of a union election. Maybe it also shouldn't surprise anyone that the union's leaders have recently been doling out hundreds of thousands of dollars in political campaign contributions in Albany.

But this is a story that, if not shocking, is still galling.

Council 82, the union that represents 26,000 guards, forest rangers, environmental conservation officers and other security personnel across the state, is in the middle of a challenge from a rival group that wants to replace it. The Union's members are voting by mail on whether they want to continue to be represented by Council 82 or switch to the rival union, the New York State Correctional Officers and Police Benevolent Association. Ballots must be returned by April 19 and will be counted April 29.

In the heat of this union election, rank-and-file union members lately have been receiving letters from assemblymen who describe Council 82 as "powerful and respected" in Albany. In their letters, the individual legislators, who include Assemblyman Chris Ortloff of Plattsburgh, use nearly identical language to tell union members that Council 82 has become a "respected advocate for your interests."

This may or may not be true, and we wouldn't presume to tell our region's many prison guards and forest rangers which union to support in this election.

But we have a big problem with the legislators who've so blatantly tried to sway the vote - and who've opened themselves to serious ethical questions in the process.

For starters, state legislators should regard themselves as part of management when it comes to contract negotiations with state workers. They're elected to represent all state taxpayers, not just those who happen to be members of a particular labor union. So if they really think Council 82 would be the better advocate for state workers during contract talks, they should be supporting the rival union for the sake of holding down the amount taxpayers will have to fork over to cover the state's labor costs.

Then there's the fact that Council 82 handed out \$650,000 in donations to state political parties and campaign organizations last year as it was gearing up for the challenge to its right to continue representing the state's prison guards and security personnel. The lawmakers who are now praising Council 82's leaders were among the beneficiaries of that largesse.

Something stinks here, and it should make taxpayers and union members hold their noses.

The campaign donations, after all, were paid with union dues. Two years ago, Council 82's leaders got their rank and file to boost the amount members contribute for political activities from 25 cents to more than \$3 a month. The union's leaders decided how to spend that big new pool of money, and now the politicians who benefited are writing to the rank and file to praise the effectiveness of the union leaders. How cozy.

From the taxpayers' perspective, this is just one of the many cases in which special interest groups in Albany help to perpetuate a stalemated political system and, in return, get to preserve their own access to power, often at the expense of taxpayers.

In this case, Council 82's defenders are Republican legislators who normally claim to favor shrinking state government. They just make a convenient exception when it comes to building more state prisons - and guaranteeing the creation of more prison jobs for Council 82's members - even at a time when crime rates are plummeting.

A spokesman for Assembly Minority Leader John J. Faso told the Associated Press this week that the letters weren't written on official Assembly stationery and that no taxpayer money was involved in mailing them.

That's mildly reassuring, but it misses the point. By taking a public position on an internal union vote, the assemblymen have called their own loyalties and ethics into question.

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United We Stand' Rally Draws Huge Crowd, National Support

CORCORAN, Calif.--(BUSINESS WIRE)--April 10, 1999--

Peace Officers from Across the Nation Join CCPOA Members and Families at Unity Rally for Corcoran Correctional Officers

Hundreds of correctional peace officers, their families and law enforcement leaders from across the nation gathered today at the Corcoran YMCA for the second annual "United We Stand" rally in support of correctional officers working at Corcoran State Prison, which houses some of California's most violent inmates.

"These officers do a tough, dangerous job under some of the worst conditions imaginable," said Rod Nason, Corcoran Chapter President of the California Correctional Peace Officers Association (CCPOA), which organized today's rally. "Faced with prison overcrowding, understaffing and increasingly violent inmates, these officers put their lives on the line every day to keep us safe."

Speakers at the rally said Corcoran officers have been the victims of unfair and one-sided media coverage in recent months, and that the rally was one way of bringing balance and setting the record straight.

"These officers are ordinary people who do an extraordinary job under difficult and dangerous circumstances," said Don Novey, president of CCPOA. "After work, they go home to their families. They're Little League coaches, PTA members and Neighborhood Watch captains -- good people who've dedicated themselves to public safety and public service. They deserve our thanks and respect, not ridicule."

An average of five correctional peace officers are assaulted by inmates every day in California prisons -- often with prison-made "shanks" and other weapons fashioned from wood, steel and melted plastic. Many officers are also "gassed" -- an assault where inmates throw urine, feces, blood and other bodily fluids at officers, exposing them to AIDS, hepatitis, tuberculosis and other deadly diseases.

"California has one of the worst officer-to-inmate ratios in the nation," said Mike Jimenez, executive vice president of CCPOA. "It's not uncommon for one or two officers to walk alone -- unarmed -- in a yard of 800 to 1,000 inmates. The stress is unrelenting, and it takes a terrible toll on our officers."

To help protect correctional officers, CCPOA has sponsored measures calling for psychological screening for officers, increased officer training, and better safety standards and accountability.

"As fellow peace officers, we understand what these correctional officers face every day," said Richard Harcrow, Union President of the Attica Correctional Facility. "They risk their lives, as our members do, to keep the public safe. We're here to show them they're not alone."

Also participating in the rally were law enforcement groups from New York, Massachusetts, New Jersey, Nevada, Rhode Island and Oregon, as well as the California Union of Safety Employees, California Association of Highway Patrol, San Francisco Police Officers Association, San Francisco Deputy Sheriff's Association, Santa Ana Police Officers Association, Sacramento County Deputy Sheriffs Association, Fresno County Sheriff's Department and many others.

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Lawmakers nose into union dispute:

4-10-99

Elmira Star Gazette Opinion page.

A group of Republican state legislators went over the line by taking sides in a battle between two unions over which one will represent the state's correction officers.

It's one thing for those lawmakers, including Assemblyman George H. Winner Jr. of Elmira, to seek legislation on behalf of a union that endorses them and, through their political action committee, gives them campaign money. But putting their names on letters endorsing Council 82 to union members smacks of interference in union affairs.

Council 82 faces a challenge from the Correctional Officers and Police Benevolent Association to be the bargaining agent for the officers. Voting deadline for the designation is April 19. The letters don't explicitly say that voters vote to retain Council 82, but praise for Council 82 carries the implication that lawmakers prefer that union. And since those legislators approve budgets and laws that affect the union's members, there is also the impression that council 82 holds considerable influence with legislators.

All of this give and take between organized labor and legislators is perfectly legal, but lawmakers should refrain from getting deeply involved in internal union issues.

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SUPPORTING C82

Letter to the Editor 12 April 99

Plattsburg Press

It is time for ALL C82 members to bond together and reelect the C82 union to represent us! To vote on the "other guys," a group of disgruntled state workers, to represent us would send us all back into the stone ages! They have offered us nothing except a promise to give us what we already have. We all know that is we do vote for this "new" union, we will eventually lose everything we ever had.

Are we ready to give up our seniority; pl's; vacation time; swapping priveldges; health, eye and dental care; 3/4 disability, the new heart bill and many other perks? Do we dare set ourselves up for the chance to have everthing taken away from us by a group of self-serving radikles that are in it only for themselves? I know I am not ready or willing for this negative change!

You will never find a "perfect" union, but we are much better off reelecting C82 that we would be voting in that other self-righteous group of "scooby-dooers" who want to do nothing but strike! C82 for life!

Joe Pecore,CO

Clinton CF

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STANDING WITH C82

Letter to the Editor 12 April 99
Plattsburg Press

As most CO's (Sgts and LT's) have, I follow the letters to the editor and related articles about the challenge to C82. With more years behind me than I care to admit, I know this: There is no magic solution to problems! Not at work, or home, or business. You take what comes your way and work hard to improve it. I have seen this department grow six times over since 1971. C82 stood by me, helped me, and my family, my friends, my fellow officers 28 years now. Attica, recession, strike, lag pay, veteran leave, ect..., C82, with all its problems, stood by me. Stood by us!

I don't pretend to have all the answers to life's problems. I do know you can't win by quitting! I know we aren't quitters! I will stand by my post with C82.

G.L. Hewston
Ausable Forks

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Correction officers picket prison

By JOHN MILGRIM
Staff Writer

The Times Herald-Record (4/16/99)

WALLKILL - Dozens of correction officers responsible for guarding some of the state's worst criminals picketed their prison yesterday, hoping to direct Albany's attention to what they're calling unsafe conditions in the workplace.

The informational picket on Route 208 in front of Shawangunk Correctional Facility's main gates ran from 11 a.m. through about 5 p.m., at times boasting as many as 75 correction officers.

Of the 573 inmates at Shawangunk, 510 are in for violent felonies. A total 279 correction officers work security there in three shifts.

"The problems we bring forth with the administration here, they get watered down or lost before they get to Albany," said Shawangunk union president Larry Flanagan.

Council 82, the union representing state correction officers, is hoping to call a meeting with state prison officials to address safety concerns. Among the issues that prompted the picket was a recent case of an inmate threatening to kill a correction officer. Flanagan said the inmate who made the threat was let back into the general population far sooner than he should have been.

Mike Houston, a state Corrections spokesman, said that inmate spent three weeks locked up for 23 hours each day and didn't display a weapon. He has since been transferred to another prison.

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Letter to Senator Stafford

Dear Senator Stafford,

I take exception to your letter dated 16 October 98, which council 82 is using as campaign material to try to sway our vote from NYSCOPBA to council 82. I am going on my 18th year as a correctional officer at Clinton correctional facility and have personally witnessed the lack of proper representation for many years, but now because of our "million dollar" PAC fund everyone is our supposed friend.

During a challenge period New York State must remain neutral. I would expect nothing less from a New York State Senator. You represent your constituents and the 'members' of council 82; not the union itself per se. Regardless the outcome of this election these members will still exist under the certified organization.

Rest assured, NYSCOPBA will also have a PAC fund. I find it disturbing that you feel that council 82 is "one of the most effective unions" representing New York State employees. We have lost over 11% of our buying power due to poor contracts which have not kept up to par with the inflation rate.

Your statement, "I have worked closely with you to make certain that my constituents who work within the law enforcement professions receive every protection and benefit they deserve." Back on the 18th of May 1994, you were one of the main sponsors of a 20 year retirement bill (8479-A) for council 82 members. Could you possibly explain why this bill was never submitted? Our local officials were peddling this as a "done deal" and "a shoe in," just as they recently have about our reallocation upgrade.

In closing, I'd like you to know that each and every time you have run for election, during my voting career I have voted for you, because I felt you had our (correction officers) best interests in mind. Since you came from a similar background. I stood outside Clinton's front gate shaking your hand on several occasions, believing that you were interested in our profession and members', not the name of our union.

I await your response, thank you.

Darren Butchino
Dannemora

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NASSAU /Union for Correction Officers

On the same day a handsome new contract for their union was approved by Nassau lawmakers, correction officers at the county jail Monday resoundingly voted to break away from the 12,000-member Civil Service Employees Association and form their own labor organization. Turning away from an 18.5 percent salary increase through 2002 and the promise of their own bargaining unit within CSEA Local 830, the 1,010 correction officers achieved a goal they had set three decades ago: to represent themselves.

The vote, which was tallied Monday in Manhattan, was 742 to 53, a trouncing that officers attributed to

pent-up frustrations with the massive CSEA, not to dissatisfaction with the local jail union leaders. "We were sort of lost in the crowd so to speak," said Sgt. Michael Adams, a 17-year-veteran who is president of the new union, called the Sheriff Officers Association. Adams said "there are issues for correction officers that are specific to correction officers," such as equipment and training, that make it necessary to have a union separate from other county workers.

The results still must be certified by the Nassau County Public Employees Relations Board; then the union will hold elections to choose a new board, said Adams, who was elected president five years ago when the association started and intends to run for the top spot. The upheaval edges out the president of the officers' branch of the CSEA union, Officer Mark Barber.

Barber said that while other members of the current board may run for positions in the new union, he has not decided on his plans. Both Barber and Adams, as well as jail administrators, admit that the coming months will be challenging. The union must negotiate a new contract with the county.

Adams said he wants his union to work closely with the county executive and the sheriff. He also is considering proposing boosting officer training and requirements.

Deputy Undersheriff Ernest Weber said of the union developments: "This was something the correction officers have been seeking for at least 30 years."

Andrew Metz, Newsday

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CONFUSING STATEMENTS

To Betty Lennon, Bernie Walker, Liz Marshall, Tim Rounds, Bill Crotty and Jeanne Kelso, members of the Northeast Central Labor Council AFL-CIO, proud supporters of AFL-CIO AFSCME/council 82.

I find it interesting that DC 37 has not supported council 82's efforts. Does your group also support your affiliate DC37? You do realize that they are currently under administratorship due to misappropriation of funds, theft, and ratifying a contract through ballot stuffing; as was council 82 just a few short years ago under similar circumstances.

If you all feel that raises below the cost of living, higher benefit co-pays and less employees to do the same amount of work is the effectiveness of council 82, then I would have to agree. I truly love the statement, "how through constant monitoring of the NYS Retirement Fund by council 82, all holdings of CCA were withdrawn." If council 82 had any real political power or influence would our Retirement System still own shares of the private prison 'Wackenhut'? Zero tolerance, yeah right!

Comptroller McCall writes on 7 January 1999, "Last month, CCA merged with Prison Reality Trust. The new company-known as CCA Prison Reality Trust--is structured as a Real Estate Investment Trust (REIT). The S&P Mid Cap Index does not include REIT's. As a result, CCA Prison reality trust was eliminated from the Index and from the Common Retirement Fund's portfolio." The sale of these shares were due to the merger not council 82 nor NYSCOPBA.

Your statement that, "council 82 has zero tolerance towards privatization" seems confusing since, another affiliate, the Tennessee AFL-CIO head Jim Neeley said, "today that under a national agreement recently

inked with CCA, labor will support CCA efforts to manage prisons, not just in Tennessee but across the country." Dated 17 April 1997, (The Tennessean newspaper).

Darren Butchino
Dannemora

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PEF protests no-raise contract offer

Albany -- At beginning of contract negotiations, state proposes 4-year deal containing no pay increases
Zero is a dirty word to the hundreds of state workers who turned out Friday to protest a contract proposal that would give them no pay raises for the next four years.

Shouting phrases like "Zero is a four-letter word" and "Get real -- no deal," members of the Public Employees Federation turned out to protest the contract offer at Agency Building 2 on the Empire State Plaza, where the state Office of Employee Relations is housed.

PEF President Roger Benson put the number of noontime protesters at close to 1,000 at the rally's peak.

Benson said contract negotiations broke down Thursday afternoon when the state said it proposed giving no base salary increases and no cost-of-living increases to PEF members through 2003. Meanwhile, aides to Gov. George Pataki got substantial pay hikes this spring, Benson noted.

The state's top negotiator on the matter, for example, enjoyed a 79 pay increase from over the last four years. Negotiator Robin Bramwell saw her pay rise from \$41,000 to \$73,409 since 1995. She is the daughter of Brooklyn Republican chairman Arthur Bramwell.

"Fairness is a core of the American society," Benson said after the rally. "We've got a state budget surplus of \$2 billion, and we have the governor's aides getting pay increases of between 40 and 80 percent, and they want the workers to take zero percent. . . . This is a joke."

Benson also questioned why PEF members were to get no raises, while the state offered the Civil Service Employees Association a four-year pact that would have provided percentage increases of 2, 2.5, 3 and 3.5 in consecutive Octobers starting this year.

CSEA overwhelmingly voted down that contract offer.

But Office of Employee Relations spokeswoman Mary Hines said the two contracts should not be compared.

The pay raises for CSEA were the end result of a long negotiating process, while PEF contract discussion are still in their infancy, Hines said.

"We are in the very beginning of the process with PEF, and we are at a baseline position," Hines said. "At this point, all of the proposals from PEF are not on the table, and there's room for lots of things."

PEF last got a pay raise in October, when members saw a 3.5 percent salary increase as part of their last contract agreement.

That contract expired April 2, Hines said.

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Letter to the Editor 4/22/99

MORE MONEY FOR EMPLOYEES

Press Republican 22 April 99

County CSEA members, you should withdraw your contract offer and put a new one on the table. Four percent for four years. There must be plenty of money out there somewhere; all politicians seem to see enough to give themselves hefty raises. Right from towns to the NYS Senate. Not modest raises but, 20% to 30% to 40%.

Come on you politicians, the county employees want to earn a decent living just like you. Besides, Clinton County employees are partially funding their own raises through county taxes. Give it up. If there is enough for you, there is enough for them.

Edward Clifford
Morrisonville

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Another Letter to the Editor 4/22/99

COUNCIL 82 DEMOCRATIC

Press Republican 22 April 99

I am writing because I'm tired of hearing the misconceptions put out about C82 by the challenger. Every contract we have had is voted on by the members of the union, not the leaders down in Albany. A union is about majority rules and the majority apparently voted for the contracts.

The union is the members not the leadership in Albany. They are our elected representatives and we voted for them. If we don't like what they are doing for us we can vote them out of office, unlike the other group.

All our benefits stay in place until the new group negotiates a new contract and the lawyers group they have chosen to represent us didn't negotiate the last contract for the State Police that the other group seems to be so proud of.

I'm not willing to risk any of the benefits C82 has fought for the last 25 years. We as a union have made many changes in the last 4 years to improve our union and I think we should let the new management negotiate this contract and see how they do. If I don't like what I see I'll vote no and in that way they know they have to come back with something better.

As the other group said; no group or contract is perfect, so why should we expect C82 to be perfect and the other not? I like the fact that we can make changes under our current union. You don't even have a voice in who is going to be your officers for 3 years with this new group. That is a most basic decision

for you to make and your not even allowed to do that. That tells me everything I need to know and that is vote C82 for a truly democratic union.

Brian Johnston
Bare Hill CF
Malone

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Letter to the Editor 4/26/99

TIME TO UNITE AND MOVE ON

Press Republican 26 April 99

This is a plea to fellow members of C82. For nearly a year our union has been facing a challenge from NYSCOPBA, a fledgling organization seeking to replace our present union. For months we have heard or read claims and counter claims from both groups each seeking to win our support and our vote.

Each side, at times, has misrepresented key issues, each side has occasionally bent the truth. By now most members have cast their ballot, made their choice. Soon the results will be known and a decision will be rendered. When that decision is revealed we must remember who we are, remind ourselves that regardless of the "winner" we are bound by our chosen profession and our common needs. We are a brotherhood, a union of men and women employed in one of the most stressful and hazardous professions possible.

Let us not forget that brotherhood. Let us remember our common goals, needs and priorities. Now that the campaigning is over and the votes have been cast it is time to unite and move on, to pursue improvements in our work environment and contract benefits. In order to accomplish these goals we must unite in purpose, standing together as one unified group. Whatever divisions may have arisen from this challenge, despite the disagreements over representation, it is now time to put those issues behind us.

This process was neither about victory nor defeat but rather about our future, and about who we choose to represent us. Our fellow officers are making their choice known. Whichever choice they may make it is imperative we all accept that choice and do whatever it takes to reunite our membership and move on with the business at hand.

To do anything less would be a terrible disservice to ourselves and our families. The time worn cliché sums it up well: "Together we stand, divided we fall!" Remember that once the ballots are counted!

Robert A. St. Yves
Jay

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N.Y.'s prison guards eighty-six Council 82

ALBANY (AP) – Insurgents who complained about low pay while millions in local dues went to an out-of-state parent union succeeded yesterday in breaking Council 82's control as the state prison guards' negotiating agent.

The upstart New York State Correctional Officers and Police Benevolent Association upset the established but controversial Council 82 by 12,135 to 8,070 votes, state officials say. About 80 percent of the eligible rank-and-file members voted.

If confirmed next month by the state Public Employment Relations Board, NYSCOPBA will take over negotiating power for more than 20,000 of the state's correctional officers, park and forest rangers and campus police officers.

Council 82 will not appeal the results of the election, spokesman Dan Curran said. Yesterday's vote will leave the union with about 5,000 members, including the city, county and municipal workers that NYSCOPBA didn't want.

"We're going to function as normal," Curran said. "It's unfortunate that a campaign of half-truths and innuendo managed to sway the members away from Council 82."

About 50 NYSCOPBA members cheered after the results were announced. "Nah, na, na, na – na, na, na, na – hey, hey, hey, good-bye," they sang as Council 82 members filed out of the Empire State Plaza state office complex where the ballots were counted.

"This means we're independent and we're looking after our own needs," said NYSCOPBA President Brian Shanagher to the cheering crowd.

NYSCOPBA leaders said Council 82 had not gotten them large-enough pay increases. New Jersey's state prison guards make \$52,122 a year after nine years on the job, compared with the \$42,000 a year guards get in New York with 20 years experience, union officials say.

The insurgents also complained about the \$2 million-plus in Council 82 dues which were being forwarded each year to the parent union, the American Federation of State, County and Municipal Employees.

Council 82 has suffered from scandal lately, including when top officials were ousted in 1995 for using official funds for trips, meals and other personal expenses.

The Times Hearld-Record 4/30/99

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Council 82 hears swan song in defeat

Albany-- Union representing state corrections officers for 30 years is ousted by dissident labor group

Amid the chanting of "'Na, na, na, na...na, na, na, na... hey, hey, hey, good-bye," the union that represented state corrections officers the past 30 years was ousted Thursday by an insurgent group.

Council 82, a unit of the national organization known as AFSCME, was turned back in its attempt to continue representing the state's rank-and-file corrections officers and other law enforcement officers. Union dues per member will fall immediately by \$65 a year under the new group, New York State Correctional Officers & Police Benevolent Association (NYSCOPBA).

NYSCOPBA, which could become certified as early as May 24 when the Public Employment Relations Board meets, promises to raise the stakes in contract negotiations with the state.

In an extraordinary turnout, 20,335 of 24,474 eligible voters cast ballots, with 12,135 endorsing the upstarts (60 percent) and 8,070 supporting the incumbent union, whose future is uncertain. Council 82 still represents a few thousand county and municipal law enforcement officers

The insurgents had campaigned against the status quo, arguing for a split from the American Federation of State, County & Municipal Employees. Leaders complained that AFSCME has drained dues money from Council 82 -- about \$2 million annually -- without providing service or satisfactory contracts.

"This is the membership taking over and throwing the parasites out. For 30 years they've been eating our lunch," said Brian Shanagher, 34, an Orange County corrections officer who is president of the winning group. "The free meal's over."

Council 82 President Richard Abrahamson declined to comment.

The incumbent union has five days to raise objections to the vote and the union showed no sign of doing so Thursday.

SHANAGHER About 300 prison guards, conservation officers and other state law enforcement guards observed the proceedings at the Empire State Plaza, the majority associated with NYSCOPBA.

Four hours after the vote count started, Shanagher declared victory and NYSCOPBA supporters, some holding brooms with signs that read "Good Riddance, Bad Rubbish" or "Swept Clean," waved good-bye to Council 82 supporters as they exited. Some heckled. A few danced the "Ickey Shuffle" touchdown dance.

Shanagher speculated that the Civil Service Employees Association, another AFSCME unit, could absorb the council, although CSEA officials described such utterances as "idle speculation."

Shanagher also said he does not believe CSEA and Public Employees Federation officials' claims that the state is offering zero percent raises to unions. "That's a lot of hogwash," he said. "I think these guys are setting their members up for a lousy contract."

Officials with CSEA and PEF refuted Shanagher.

"We're very saddened that members chose to go another way," he said.

Albany Times Union 4/30/99

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Court: Return guard to work

Voting 3-2, judges rule Kuhnel can't be fired for flying Nazi flag

By JOHN MILGRIM
Staff Writer

ALBANY – Edward Kuhnel, the Nazi flag-flying correction officer, should be put back on his job guarding criminals, a split panel of five state judges ruled yesterday.

In a 3-2 ruling issued yesterday, a mid-level state appeals court found that the Eastern Correctional Facility prison guard cannot be fired, or even remain suspended, for flying a Nazi flag from his Stone Ridge home.

In yesterday's five-page decision, the three judges, siding with Kuhnel, wrote they "understand (the state's) reluctance to return a purported racist to his former employment within the prison system. However, Kuhnel's conduct, offensive as it may be," does not violate public policy.

The two judges who felt otherwise, led by Kingston-based Justice Karen Peters, filed six additional pages saying public confidence in the prison system outweighs Kuhnel's free speech argument. They felt Kuhnel's role, as a racist in a mostly minority setting replete with dangerous criminals, could sacrifice the safety of others in the prison.

"There exists no basis to wait until racial tensions erupt before taking action," they wrote. Kuhnel hung up on a reporter yesterday without commenting. He has not been allowed to report to work in the prison, outside Ellenville, since Dec. 12, 1996. That was two days after a picture and story of the flag flying from his Route 213 home's porch first appeared in The Times Herald-Record. At the time Kuhnel said he was not a racist but liked the flag's colors.

In 1988 Kuhnel was cleared of similar charges when a mediator found his membership in the National Association of the Advancement of White People was not sufficient proof that he belonged to a white supremacist organization.

In either case, had it been proven Kuhnel belonged to or was affiliated with a racist organization, he could have been fired.

The appellate decision yesterday affirmed two prior judicial rulings, one from an arbitration hearing and another of a state Supreme Court justice. The state Department of Correctional Services, however, now wants to challenge yesterday's decision in the state's highest court, the Court of Appeals.

"His (Kuhnel's) mere presence in a prison could endanger staff as well as inmates," said Correctional Services spokesman James Flateau. "Commissioner (Glenn) Goord is not going to prove that by allowing Kuhnel's return and the violence that could result."

Since he was locked out of prison Kuhnel has been paid \$103,180 to stay home, "Which is far cheaper than the cost to rebuild a prison if we allow him in and violence ensues and people are injured or worse," Flateau said.

Council 82, the union representing Kuhnel, did not return repeated phone calls yesterday. Staff Writer Paul Brooks contributed to this report.

The Times Herald-Record 4/30/99

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State workers unions decry 'zero-percent' raises

Albany -- PEF, CSEA vow a lobbying campaign to protest Pataki administration's offer

State civil service workers say they detest doughnuts.

Not the ones made at bakeries, but the ones that represent zeros, as in no pay raises.

Both the Public Employees Federation and the Civil Service Employees Association, which represent the majority of the state work force, reveal they have been offered multi-year contracts with "zero-percent" raises. As a result, they will begin media and lobbying blitzes to protest the "outrage."

Today, a radio campaign by CSEA begins. President Danny Donohue says that on Monday that Gov. George Pataki offered "four zeros over four years," and that is "disgraceful." This offer follows a proposed deal between the state and CSEA of 11 percent in raises over four years. That deal was voted down by CSEA members as being too stingy.

The new proposal of zero is "offensive, not only to the CSEA workers but to all New Yorkers," Donohue says.

Pataki this year received a 38 percent pay raise.

Roger Benson, PEF's president, said Wednesday that on Tuesday he and about 34 union officers had met to "jack up" attention in the coming weeks.

Without revealing the entire plan, he said the campaign includes letters to editors of newspapers, lobbying of state legislators, vigils in front of state buildings and protests at the workplace, including donning arm bands.

"This week we are going to be visiting our legislative friends in large numbers to express our absolute indignation," Benson said.

Benson disclosed that PEF seeks a three-year pact, ending the four-year cycle that puts contracts off to the year after an election. PEF seeks 5 percent raises in each year of the new pact, he said.

He said that the state -- by offering no raises, knowing full well that CSEA members were offered 11 percent over four years -- is presenting "amateur hour."

"We can only presume it's meant to insult us," Benson said.

Mary Hines, a spokeswoman for the state Office of Employee Relations, which must negotiate contracts with all the state employees unions this year, said she would not comment on negotiations.

Benson said the state is also proposing increases to health insurance that would amount to \$300 per year more in employee costs. The state also wants to install time clocks to replace supervisory monitoring of employee hours, a change that PEF "could not agree to under any circumstances," Benson said.

State employees received no raises in four of the past eight years, union leaders emphasize, and the state finished the past fiscal year with a \$2 billion budget surplus.

"It's kind of hard to go back to those employees and say you endured those zeros when times weren't good and now that times are good, you're going to get zeros again," said Eric Vitaliano, D-Staten Island, chairman of the Assembly Governmental Employees Committee.

The PEF and CSEA contracts expired April 1.

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New prison union will look at new contract first

By G. JEFFREY AARON
Star-Gazette

Electing new local officers and negotiating a new contract tops the agenda for the New York State Correctional Officer and Police Benevolent Association as it replaces Council 82 as the bargaining agent for the state's correction officers.

First the union must be certified by the state Public Employee Relations Board, an action set for May 24. If a challenge to last week's election is filed by Council 82, the board's action will be delayed until the challenge is answered.

"But the deadline for filing any challenge is (today) and we have not received anything yet," said John Toomey, a board spokesman. "The papers are saying Council 82 doesn't intend to challenge the election, but who knows."

Should the vote go unchallenged, the new union will be declared the bargaining agent for the more than 20,000 correction officers, park and forest rangers and campus police officers in the state.

And officials and supporters of the new union are ready. The group's constitution and by-laws are in place and once the group is certified, those items will be distributed to all state prisons.

The new group will retain the local unions at each jail, but will rename them as "sectors." Union stewards will also be elected for each of these sectors. The number of stewards will be based on the number of officers assigned to each particular jail.

"If the former Council 82 guys are voted in again, then that's who we'll work with," said Grant Merin, western regional vice president.

"There's no blacklist. We need diverse opinions to work effectively. Our fight was with AFSCME and not the individual locals."

But Dan Morgan, Council 82 Local 3544 President, said there is a black list. And he should know, he said, because he's on it.

"I've seen it, it's on their Website. They asked for former union people who should be blacklisted and there are 12 names on the list," Morgan said.

An attempt by the Star-Gazette to find the blacklist on the World Wide Web was unsuccessful.

Once in place, the new union intends to focus on upcoming contract talks.

"Our next order of business will be negotiating a contract and seeking pay raises for the members," Merin said.

No date for these talks has been set because of the changeover in bargaining agents.

The four-year labor agreement negotiated by Council 82 -- and its 7 1/2 percent overall pay increase -- expired March 31, but will remain in effect until a new contract is agreed upon. No new preliminary pay raise figures are being mentioned, but the union is going in loaded for bear.

"The New York State legislature gave themselves a 38 percent raise so as far as I'm concerned, let's start there," said Herb Wild, a supporter working at the Southport Correctional Facility who will be named to the prison's transition team.

Merin also said the union is bothered by limited access to arbitration hearings.

The group would also like to limit the amount of time an officer can be suspended without pay to 30 days. There is no time limit on payless suspensions, Merin said.

While Council 82 had a proposed contract already in place and intended to present it when the labor talks began, the new union not have access to it.

"That's the way they wanted it. There was a lot of mudslinging before the (decertification) vote," Morgan said.

"It's going to take them a while to get the ball rolling," Morgan said. "It will be like a teenager going to his first prom. The first one, he makes mistakes. But by the time he's a senior, he knows what to do."

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Supervisors stick with Council 82

ALBANY (AP) - All is not lost for Council 82, which saw about 20,000 of its public security personnel members leave recently for a rival union.

Council 82 will keep the state security supervisors, who voted 332-266 not to join the New York State Correctional Officers and Police Benevolent Association, the state Public Employment Relations Board said yesterday.

The rank-and file state prison guards and other public security officers left Council 82 for NYSCOPBA in April.

"What we have done is won the unit that sets the policy for the other unit that left," Council 82 spokesman Daniel Curran said. The American Federation of State, County and Municipal Employees-affiliated Council 82 now has about 5,000 members, Curran said.

The security supervisors make up about 800 of the members, he said. Council 82 is celebrating its 30th

anniversary this year

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Can't Order Leather Frisk Gloves???

I called the company (Dakota Corporation) today (this is the 2nd time I've called) and they are still NOT taking individual orders for the blue leather frisk gloves that Dep LaClair so nicely approved for us. They say the orders are still suppose to be made through our locals -- which no longer exist.

They ARE now taking names to place on a list to see if enough people are interested to sell them individually. I was told today they only have about 20 names on that list -- so, if you want a pair of these gloves to protect your hands, then call 1-800-451-4167 and get your name on the list !!!

Mike

WatnNY@aol.com

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Letter to Governor Pataki

17 May 99

Dear Governor Pataki,

Thank you and GOER for their expedient answers to some crucial questions answered in my letter dated 30 August 1998, concerning our recent decertification challenge. I have been employed as a NY state correctional officer for over 17 1/2 years. I have seen fellow officers having to deal with major heart surgery or death resulting from heart associated problems. A couple years back one such individual died from a major heart attack at age 39. Another officer felt unusual coldness in his chest this past winter. A stress test revealed nothing out of the ordinary. He insisted on furthering his testing by using a die injected into his blood stream, which plainly showed a 90% blockage in his main artery. The doctor said if he had not insisted on this test he would have died from a major heart attack this fall. He is 36. Neither of these individuals were over weight or under active.

I understand that the state had to remain neutral during the challenge period. Now that the election results have been disclosed when can we expect to hear an answer concerning the 3/4 disability Heart bill which was submitted for our profession? Like it or not we do the dirtiest, most stressful, dangerous jobs in New York State. I know that our jobs have changed dramatically since I began working for DOCS in 1981. We continue to do our jobs daily, but have lost valuable buying power because of poor contracts within the last 8 years. Our last contract negotiated under your reign was the worst contract in my career, 7% over a four year period with 3% coming in October of '98, resulting in a 1-1/2% for that contract duration (6 months worth of a raise). I hope that because we did our part when New York State was in need that you will "do the right thing" and compensate us fairly and retroactively.

We don't have the ability to ink ourselves a 38% increase as does the legislature. Just the cost of living for the previous three years we received zero percent increases (91, 92 and 95 respectively) resulted in

over an 11% loss of our buying power non-compounded. Eleven percent doesn't cover our past losses, nor the future cost of living for the next contract period. The time is now with several billion dollars in surplus to make up that loss for your public employees. The state will be saving millions of dollars due to \$113 Billion in our ERS (Employees Retirement System). The states contribution this year will be virtually zero percent. Many of us tier 3 & 4 made that possible through mandatory contributions.

We were told that shortly after our union election results were tabulated we would be informed whether or not we received our paygrade reallocation submitted for all correction officer's, sergeants and lieutenants. Will our upgrade be approved and if so when? Eighty percent of our membership stepped out in force (over 20,000) voting in a new bargaining agent/union (NYSCOPBA) which will effect their entire life and careers. This same potential is there for your next campaign.

I've read literature from Comptroller McCall, where he says retirement is a three legged stool; personal savings, state retirement and social security. What one has to take into consideration is the fact that many of our members live in areas where our salary is mediocre at best. I have raised my family on a single income for 17 years. It has not been easy and saving money is next to impossible while raising a young family. I can remember when a correction officers salary was comparable to a state trooper. Today a trooper with one year on the job makes more money than a 25 year veteran correction officer.

In closing, I hope the recent zero percent raises for CSEA and PEF will not be your only offer. In a time when your work-force has been through hard times and ratified difficult contracts for the betterment of New York's citizens. We've shown our confidence in your ability to bring New York State back in the "black" now reward us for standing by you. Remember it was the "membership" of council 82 whom supported your re-election for Governor, The same membership of the soon to be certified NYSCOPBA!

Sincerely,
Darren Butchino
Clinton CF

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Grievance procedures

Over the years the courts have made many decisions regarding grievance clauses. If all of these decisions are put together they outline a very specific and equitable process very similar to our court system. Different organizations of attorneys and associations have used the decisions to set up rules and regulations for arbitration's.

Some of the components of a fair process as determined by the Courts are:

The Montes court refused to confirm the arbitrators' award in Shearson's favor, finding that it had been made in manifest disregard of the law. In reaching that conclusion, the Montes court was convinced that the arbitrators had heeded Shearson's counsel's explicit suggestion that they were free to disregard the law and should do so. The Eleventh Circuit also cited the lack of factual support for the ruling as a basis for denying confirmation.

The San Francisco County Superior Court correctly refused to enforce a compulsory arbitration clause in an employment contract on the grounds that it was against public policy and unconscionable, a California

Court of Appeal held, and state law pertaining to unconscionable contracts was not preempted by the Federal Arbitration Act. The arbitration clause at issue preserved a judicial forum for certain of the employer's claims, but required employees to arbitrate all of theirs, and specified that "the exclusive remedy for any violation of any claim required to be submitted to arbitration shall be a money award not to exceed the amount of actual damages for breach of contract," specifically excluding punitive damages.

In addition to agreeing with the trial court's conclusions that the contract was one of adhesion and was impermissibly one-sided, the Court of Appeal also rejected the employer's FAA preemption argument in light of the following statutory language: "[a] written provision in any...contract evidencing a transaction involving commerce to settle by arbitration a controversy thereafter arising out of such contract or submission...shall be valid, irrevocable, and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract." (9 USC 2, italics added.)" The court concluded that italicized language covers the equitable doctrine of unconscionability.

Stirlen v. Supercuts, Inc. (Cal. App 1997) 51 Cal.App.4th, 1519, 60 Cal.Rptr.2d 138, 12 IER 1127. (For plaintiff: NELA Member Kathleen Lucas, San Francisco.)

There are at least five areas where our current arbitration clause is substandard. These are two of the basic faults.
