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Six guards hurt battling inmate

2/5/00

Six guards at Gowanda Correctional Facility were treated for a variety of injuries at Tri-County Memorial Hospital after a scuffle Friday morning with an inmate who allegedly attacked one of them. Mike Houston, a spokesman for the state Department of Corrections, identified the inmate as Anthony May, 36, who is serving 20 years to life on second-degree murder and first-degree attempted robbery convictions from Kings County.

Houston said the incident occurred about 8:15 a.m. in the area where inmates are readied for transfer to other facilities.

He said that May was ordered to lean against a wall to be frisked after he attempted to punch another inmate and then attempted to punch a sergeant who issued the order.

During the ensuing scuffle, which involved two sergeants and four corrections officers, two guards were bitten, three sustained thumb injuries and one suffered a wrist sprain.

State Police were called to investigate the incident, Houston said.

May subsequently was transferred to the special housing area at Attica Correctional Facility.

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Pataki renews campaign against inmate legal services

By Joel Stashenko, Associated Press, 2/7/2000

ALBANY, N.Y. (AP) The stack of weekly decisions by a state appeals court in Albany last week contained 46 written rulings.

Just over half 24 concerned cases brought by state prison inmates.

One prisoner complained about being disciplined for trying to get a handcuff key smuggled behind bars, another because he was caught with marijuana. A third inmate contended he was unfairly punished in a disciplinary hearing called because he had struck a hearing officer in the face at an earlier disciplinary hearing and broken his glasses.

In none of the 24 cases did the appeals court the Appellate Division of state Supreme Court side with the inmates and against the prison administration.

Opponents of prisoner lawsuits say examples like the Feb. 3 caseload of the appellate division in Albany show the burden that suits brought by prison inmates continue to create for the state's court system.

In his 2000-01 state budget plan, Gov. George Pataki has once again proposed eliminating all state funding for Prisoners' Legal Services. He has proposed that in past years as well, but the state Assembly has restored the money by the time the Legislature has adopted the budgets.

Joseph Conway, a spokesman for the state Budget Division, said federal court rulings have directed that inmates must have access to taxpayer-funded lawyers or to an adequately supplied law library. Pataki believes the law libraries in state prisons meet that requirement, Conway said.

Former state Attorney General Dennis Vacco attacked inmate suits, periodically releasing "top 10" lists of the most frivolous actions, but current Attorney General Eliot Spitzer favors a fully-funded Prisoners' Legal Services agency.

"When you have an excellent attorney on the other side, even though they are your adversaries, they sort of weed out cases that shouldn't be there," Spitzer spokesman Darren Dopp said. "One of our greatest frustrations is defending the state against cases that are literally drawn on the back of a napkin."

For example, the attorney general's office in Plattsburgh spends 90 percent of its time defending the state against suits from inmates in the region's prisons, Dopp said.

Inmates now are under some modest new restrictions designed to deter them from filing frivolous suits.

For the first time, inmates must pay a fee of between \$15 and \$50 to file suits. The amount depends on how much money the inmates have in their prison accounts and is determined by the judge who accepts the filing. Non-prisoners bringing suits in state courts generally must pay a \$170 filing fee.

Also under the new law, inmates seeking monetary damages must exhaust all administrative remedies in

prisons before filing suits.

Richard Rifkin, deputy state attorney general, said it is too early to tell whether the new restrictions, which took effect Dec. 1, have cut down on inmate filings.

The annual budget battles in Albany over funding Prisoners' Legal Services did have implications for the group last year. In September, its longtime director David Leven resigned, saying the annual uncertainty over funding had taken its toll on him personally.

Prisoners' Legal Services was formed in the aftermath of the bloody 1971 Attica riot to help represent inmates in cases involving brutality by correctional officers, religious observances and treatment of inmates who have HIV.

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Genesee assemblyman will introduce bill for additional money for kin of riot victims

ALBANY, N.Y. (Feb. 10, 2000) -- It is time to redress a 29-year-old wrong and give additional benefits to relatives of the 11 prison employees killed during the 1971 riot at the Attica Correctional Facility, a state assemblyman said yesterday.

Daniel Burling, a Republican from Alexander, Genesee County, said the state took advantage of the wives, parents and children of the guards and civilian workers killed during the Attica riot by offering them death benefits. He said the state did not make it clear that relatives who accepted the money could not bring wrongful death suits against the state.

"They trusted their employer, the state of New York, which for many years had been their providers," Burling said. "But it appears to me that the state was acting out of concern for its own self and its legal exposure."

By accepting the benefits, families of the dead employees were essentially signing a legal waiver that released the state from any further liability, according to the legislator.

Burling said he will introduce a bill offering the 11 families \$90,000 each in additional accidental death benefits. He said he arrived at that number by taking the average salary state prison guards made in 1971 -- about \$9,000 -- and multiplying it by 10.

"This was just to use as the rule of thumb to come to some feasible amount," Burling said. "We had to come up with something."

Burling said the recent announcement of a proposed settlement in a suit by former Attica inmates against the state makes the climate right to pay additional death benefits to employees' families.

Under that proposed deal, inmates who contended they were beaten, tortured or denied medical care after the riot was quelled will get \$8 million.

A proceeding to hear potential plaintiffs in the case will be held Monday before U.S. District Judge Michael A. Telesca. Telesca will later rule on whether to accept the settlement.

Burling said the agreement with the former inmates was unpopular in his district. But he added he is "not taking issue with that."

"The whole situation was very difficult and tragic for everyone involved, whether it be inmates, corrections officers, families and the people who were involved in the retaking of the prison, because they were victims too, somewhat," Burling said.

Donald Werner of Caledonia, Livingston County, lost his brother, Ronald Werner, a prison guard, and his uncle, Elon Werner, a civilian employee, to the riot. Both men were killed in the retaking of the prison.

Told of Burling's proposal, Werner said that while it may be a step in the right direction, he believes that the inmates are receiving too much, the families too little.

"Anything would be better than what they have done for the families," Werner said. "But they're going to reward the convicts with that kind of money and then turn around and do almost nothing for people who did no wrong and were in the prison just because they were trying to make a living."

In all, 32 inmates and 11 prison employees were killed in the Attica riot, most in a hail of bullets when authorities retook the prison.

The benefits would be paid to the surviving children of the dead officers under Burling's legislation. If there are no children, the spouses of the dead officers would get the money. If there are both surviving spouses and children, they would split the money.

If guards died without children or spouses, their parents would get the payments.

The death benefits would be payable from funds in the state treasury and the Local Employees' Retirement System, according to Burling.

Burling said Dale Volker, an Erie County Republican who chairs the Codes Committee in the state Senate, will sponsor the measure in that chamber.

Burling said he did not know how much families got in the initial round of death benefits, but was told that one family received about \$90,000.

There was no immediate comment on the Burling bill from the Democratic speaker of the state Assembly, Sheldon Silver, said spokesman Charles Carrier.

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Abrahamson, et al. v. State of New York

NYSCOPBA Substitution Motion
Abrahamson, et al. v. State of New York
Index No. 947-99

January 27, 2000

Please be advised that Justice Teresi of the Supreme Court, Albany County today granted our

Substitution motion in this matter. Judge Teresi ordered that NYSCOPBA be substituted for Council 82 for purposes of representing the members in this case.

The Court sternly reprimanded Council 82's baseless opposition to our motion. The court specifically noted that "the self conclusory allegations by [Council 82]" provide "no legal justification for [them] to continue in this action, as they are no longer the legal representatives of the Security Services Bargaining Unit of the New York State employees." Equally important, the Court dismissed a cross motion by the State of New York to dismiss the entire lawsuit based on Council 82's improper filing of the lawsuit.

The genesis of this lawsuit dates back to 1988 and involves members who worked at Lyon Mountain Correctional Facility; Adirondack Correctional Facility; Clinton Correctional Facility; Bare Hill Correctional Facility and Chateaugay Alcohol and Substance Abuse Treatment Correctional Annex and had rights to obtain back pre-shift lineup pay under four successive collective bargaining agreements. In direct violation of the terms of those collective bargaining agreements, the State refused to pay members pre-shift line-up pay. Instead, the State only paid the members minimum line-up pay.

The uncontroverted facts demonstrate that Council 82 continually delayed in safeguarding the members' rights in connection with this action. For example, Council 82 never resolved this matter, despite negotiating three subsequent collective bargaining agreements. Moreover, although Council 82 and the State entered into a stipulation of settlement in 1997, in which the State agreed to pay our members the back pre-shift line-up pay, the State never paid. Incredibly, Council 82 still procrastinated in commencing the present lawsuit for two years. Finally, in February 1999, Council 82 filed the instant lawsuit demanding the back line-up pay to those affected members.

As you may recall, unbeknownst to NYSCOPBA officials and our firm, Council 82 has surreptitiously litigated this action in Supreme Court, Albany County since its decertification as the collective bargaining agent by PERB in May 1999, in direct violation of the Taylor Law. Unquestionably, Council 82 intentionally did not disclose this lawsuit to NYSCOPBA or its counsel based on the fact that Council 82 had transferred over 1,000 similar contract related cases to NYSCOPBA's counsel, but failed to mention this lawsuit at all. It is self-evident that Council 82 was attempting to use a possible resolution of this lawsuit for its own political purposes.

Council 82's actions have clearly jeopardized the rights of our members. Specifically, Council 82's delay in commencing and settling the lawsuit caused the Attorney General to cross move to dismiss the action based on Council 82's failure to properly commence the lawsuit in the New York Court of Claims instead of Supreme Court. However, based on our legal arguments in opposition, the State's cross motion was outright denied, thus preserving our affected members' rights to recover their back line-up pay.

We intend to move swiftly to resolve the present lawsuit and obtain the money the affected members have deserved for the past twelve years. To that end, we have had preliminary conversations with the Attorney General's Office regarding a quick resolution of this lawsuit. Based on our substitution now in the case, we believe this matter should be resolved shortly, unless Council 82 appeals. Any such appeal would, in or view, be baseless.

The Court has scheduled a preliminary conference for February 22, 2000. By that date, we will make every effort to have an agreement in place in which the affected members at those facilities/annexes will be able to receive their back line-up pay with interest. We further believe the Court's decision here sends

a strong message to Council 82 that only NYSCOPBA can safeguard the members' rights.

Hinman, Straub, Pigors & Manning

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Get them where it hurts

Time to stop the bullshit!!!0

We all have been attacked by the political establishment and their weapon of choice is economic strangulation. I have broken down our salary figures and have come to a startling revelation - each 1% raise results in a \$7.26 per week rise in gross salary for a correction officer making job rate (\$37,860). Thats about \$150,000 a week for every CO and Sgt in the state. These elitist bastards run around the state cutting our throats for nickles and dimes while they spend like drunken sailors on all sorts of foolishness.

We have been forced to bear the burden of their lack of administrative skill.

We've seen our benefits eroded (unlike the inmates in our RMUs). We've had our leave time denied to us to "control" the overtime primarily created by the submission of unrealistic budgets, containing reduced Budget Fill Levels and unrealistic deflated relief factors. We have had our personal safety placed in increased jeopardy by thousands of post closings perpetrated in the name of economy. Grievances are "heard" but they are not not addressed (unlike inmate grievances) and, worst of all we've been maligned by our employers.

I was recently at a public restaurant and inadvertently overheard a piece of conversation between one of our Assistant Commissioners and a retired State Trooper. The trooper mentioned Governor Pataki's proposed creation of a Department Justice which would unite the State Police, DOCS and other statewide agencies. OUR Assistant Commissioner's only comment was "That's an insult to the Troopers"!

I'm glad he's got my back!!

Time to take off the gloves. The only thing that protects our enemies is our silence. We can make them or break them with the information we all possess.

There is not one of us that cannot conger up examples of the ridiculous expenditures made by the Department of Correctional Services hidden within their nearly \$2,000,000,000.00 annual budget. The taxpayers of this state would revolt if they knew what we know.

Like the \$80,000 recently spent for the resurfacing of the gymnasium floor at Cossackie, or the truckloads of "Special Clay" brought from Vermont to Cossackie to construct a new baseball diamond (to major league specs). Hard to explain why Greene County's best sports facilities and ONLY hospital are behind Cossackie's razor wire.

Speaking of Budget Fill Levels---hey Kathy Austin, what's the BFL for Deputy Superintendents at Cossackie??? A crummy little 1070 bed max with a Supt., a First Dep. and FOUR run of the mill deputies (security, programs, administration and a HEALTH SERVICES Deputy Superintendent for an 80 bed RMU).

How about a Program deputy in jails where there is NO programs (Lakeview comes to mind). How many politically faithful Food Service Administrators are being "kept" in facilities using Cook/Chill boil-in-bags.

How about the rumors of a certain congressman's "squeeze" being on the no-show gravytrain at DOCS. I'll bet she doesn't have to leave postage for the mailing of the check, either.

How about the \$34,250,000.00 line in the proposed 2000-2001 DOCS budget package to fund "THE SELF SUSTAINING INMATE COMMISSARIES". (I have a copy on my desk). Statewide, that works out to an ANNUAL per inmate subsidy of nearly \$500. I wonder how many how many struggling taxpayers know that one!! Incidentally, the \$34 million would fund a 4.3% raise to every CO and SGT in the state.

ARE YOU PISSED YET?????????

The war is on. It didn't have to be this way but we have no choice. We have been hurt and will continue to be hurt until we hurt them back. Let's get it on!!!!!!

Sgt Don Premo
Coxsackie CF

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Fly a FLAG !!

I am amazed at some of the postings on "THENET" lately. I look at them and realize that "SOME " seem to feel they really have a choice in the matter on "Things that need to be done " or bottom line "What is ... The RIGHT thing to do "

No, you do NOT!! It is NOT up for argument. The State has disrespected its Correction Officers. Three of us ASSAULTED everyday. Correction Officers have brought home MDR TB and given it to their family. (Not to mention we have DIED from this !!) THIS JOB IS KILLING YOU !! And statistics show it. Oh let me guess, it hasn't affected you personally. Well, I see it a lot. Try talking to an Officer that has Inmates Blood running down their face and is wondering if he now has HIV. Oh sorry the State can't tell you that. So you have to wait two years before you can have Marital relations with your other half. Or do you play Russian Roulette with their life. Get real. WE have given the State EVERY reasonable understanding Zero's because they "say" they were broke, only to find out they "found " 500 million, went through the Y2K a worldwide concerned event, WITHOUT EVEN A THANK YOU !! We are so far behind the inflation scale it is UNREAL !! AND I HEAR SOME OF YOU SQUAWKING ???

No, you do not have a choice. If you do not back up the members at Elmira, Southport, Attica or where-ever you are not with us YOU ARE AGAINST US !! This includes everyone Minimums, Mediums and yes, Albany.

WE DESERVE A FAIR CONTRACT !!! So quit the BS. Stop sitting on the fence and "Fly the Flag for a fair contract "

Garrett Conover

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Inmates, children united by words

Coxsackie -- Program helps men become role models as kids learn how to read

Shaun Connors' voice was soft as he read "Can You Find Switches, Doors, Knobs and Drawers?" to his 3-year-old son, Austin.

The boy squirmed, wriggled and bounced on the bench, but his father coaxed him back into the tale of some very human animals, asking where the cat keeps her socks. Austin energetically pointed to the chest of drawers in the illustration.

At the end of the day, Austin took the book home to Buffalo. His father stayed stay behind at the Greene Correctional Facility, where he is serving a sentence for burglary.

The Connors are partners in the First Book Program, which started two years ago and has inmates reading to their sons, daughters, nieces and nephews on visiting days. They read on Saturdays in a corner of a large, noisy room with hundreds of inmates chatting with visitors at tables. Armed guards are posted near the front while children scamper around the adults.

The first group of readers built a 4-by-10-foot enclosure. They painted it with fanciful animals from children's literature. The furniture is simple -- child-size chairs, a table and bench.

The idea is to help children, generally ages 4 to 8, gain some of the skills they'll need for school. Reading aloud to children, which helps them establish connections among sounds, words and objects, is widely regarded as one of the most valuable experiences for young learners.

"Parents and caregivers should immerse children in language and literacy long before they arrive at school," according to "Starting Out Right: A Guide to Promoting Children's Reading Success," which is one of many texts on the subject of early childhood education.

For the inmates, all of whom are no older than 21, the goal of the First Book Program is to hone their parenting skills.

To be a good reader, you have to put a little personality in the book, said Michele Melendez, a counselor at the medium-security state prison.

"You've got to get animated. You've got to change your voice for the different characters. Do the Bill Cosby thing," she said.

If a child's attention is drifting, the trick is to ask questions about the story or relate it to the child's life, Melendez said.

Shaun Connors was incarcerated when his son was just a year old. He hopes to be released by the end of the year.

He relishes reading time. "It's almost like we're bonded together, sitting here reading," the 21-year-old father said.

Patrick Doyle, team leader for the Northeast region Reading Is Fundamental, which funds projects to promote reading, said: "The single most important thing that parents can do in their child's education is read aloud to them."

The First Book Program at Greene is the only one of its kind in the state prison system. To participate, the men must have a record of good behavior in prison, a high school or general equivalency diploma or be working toward one.

The program is provided by the local Public Broadcasting System station, WMHT (Ch. 17), through a partnership between PBS' Ready to Learn initiative and the nationwide First Book Club, said Jennifer Kupinse, WMHT's educational services manager.

WMHT brought the reading program to Greene to provide new books to disadvantaged children who might not otherwise receive them, Kupinse said.

She said children sometimes are ignored on prison visits because mothers get busy with their husbands or boyfriends. Reading is a good way for the inmate to serve as a positive male role model in the child's life as well as to establish rapport with the child, she said.

Because inmates come and go, Kupinse made a videotape for educating new "recruits" about the goals of the program. At the training workshop, a few inmates brushed aside tears from the emotional impact of the potential for connecting with their children, she said.

Others were so moved by the program they took up a collection for WHMT during its pledge drive in December. "I was incredibly touched by that," Kupinse said.

Although the program is aimed at fathers and children, Melendez opened it up for inmates who wish to read to "any child they influence."

On a recent Saturday morning, Marcos Corchado, 21, of Buffalo hammed it up as he read to his nieces, Elisai Corchado, 3, and Yasmine Harris, 2. The girls giggled as the young man serving a sentence for manslaughter brought the written page to life.

With funny voices, he said, "I try to make it fun for them."

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2 escaped Lakeview inmates recaptured

By DEIDRE WILLIAMS

News Staff Reporter

3/5/00

Two inmates who slipped away Thursday morning from a 10-member work detail at Sheridan United Methodist Church were captured late Friday. Leon Wiggins, 18, of Debra Lane, Buffalo, was arrested at 10:40 a.m. Friday in the Buffalo bus terminal. Chad Bessette, 17, of Rochester was apprehended later at the Rochester bus terminal.

The pair, serving time for burglary in Lakeview Correctional Facility in Brocton, apparently removed a

set of keys from a coat hanging in the church belonging to contractor Nick Marsillo of Silver Creek, authorities said.

While the guard who was assigned to watch them was in another part of the church, the young men drove off in Marsillo's pickup truck, which had more than \$1,300 in cash in a brown paper bag on the front seat, authorities said.

After abandoning the vehicle at a Hanover residence, the pair broke into a house, stole clothing and discarded their prison uniforms. They also stole \$50 to \$60 in cash before calling a cab to take them to Dunkirk, where they stole a Dodge minivan, Chautauqua County sheriff's deputies said.

The escapees left the cab company's phone number written on a piece of paper in the house, authorities said.

Wiggins was apprehended by transit police at the bus station in Buffalo. He was charged with disorderly conduct, resisting arrest, possession of stolen property and first-degree escape. He was arraigned on the charges in Buffalo City Court on Saturday morning.

Bessette, arrested by state troopers at the Rochester bus terminal, was charged with first-degree escape.

Both were being held temporarily in Attica Correctional Facility and were to be arraigned Monday in Sheridan Town Court on the escape charges.

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State, Guards Locked in Dispute

By Scott Rapp and David L. Shaw

The nearly 1,000 sergeants and corrections officers at Cayuga County's two state prisons haven't had a pay increase in nearly a year. And it's now apparent they're going to have to wait even longer.

That's because contract talks between the state and their union, the New York State Corrections Officers Police Benevolent Association, are at an impasse.

The two sides are bickering over money and benefits, union officials said.

"We're disappointed at the impasse declaration," said Mary Hines, spokeswoman for the state Office of Employee Relations.

Local union officials say they're disheartened by the latest development, and they are getting tired of waiting for a salary increase.

"Everybody wants a raise. We're coming up on a year now without a contract. We haven't had a decent contract in years. The morale is poor," said John Bielowicz, the union's chief steward at Auburn Correctional Facility.

Union members have worked without a contract since April 1. They received salary increases totaling 7 percent in their last four-year pact, Bielowicz said.

The union represents about 24,000 prison guards and sergeants statewide, including about 540 employees at Auburn's maximum-security prison. They oversee about 1,780 inmates. There are about 400 unionized guards and sergeants at Cayuga Correctional Facility, a medium-security prison in Moravia.

"We are very disappointed we don't have a contract, especially after two previous contracts that weren't that good," said Thomas M. Mulhern, Cayuga Correctional Facility's chief union steward.

The union and state remain at odds over wages and benefits, said Denny Fitzgerald, a union spokesman in Albany. The union won the right last year to take over as the bargaining agent for the prison guards from Council 82 of the American Federation of State, County and Municipal Employees.

The impasse declaration means a mediator will be appointed to help bring about a contract settlement.

Fitzgerald said the union rejected the state's most recent offer of a 12 percent pay increase over four years, retroactive to Oct. 1, 1999. He also said the state wants union members to pay more for some health insurance coverage.

He said the union is bartering for a 30-day cap on suspensions of corrections officers and sergeants based on inmate allegations. He said union members have been suspended for up to two years without having a hearing, losing their health coverage, he said.

The Associated Press contributed to this report.
Wednesday, March 8, 2000

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"Arthur Kill Prison - A Time Bomb Waiting to Explode"

(Albany, NY) - Albany Union leaders and local representatives, representing New York State Correction Officers and Supervisors at Arthur Kill State Prison on Staten Island, met yesterday to discuss management's decision to close large numbers of security posts inside the medium facility run jail.

Brian Shanagher, President of the New York State Correctional Officers and Police Benevolent Association (NYSCOPBA), blasted management for playing russian roulette with the safety of his members and that of the public. Shanagher stated, "Closing posts to off-set the budget is unsafe and will not be tolerated." He further stated, "For years, Albany has looked to reduce operating costs at the risk of everyone's safety, including the public. Now Arthur Kill, as many prisons are, is ready to explode."

John Schiavone, the Chief Sector Steward for Arthur Kill, echoed his President's remarks by stating "Arthur Kill was a time bomb waiting to explode." The union, who some time ago won the right to represent well over 24,000 Correction Officers, Supervisors, and other law enforcement groups during a decertification challenge, has been experiencing some major problems with management concerning certain issues that are affecting their membership.

The Albany based union and local leaders vowed to picket and bring to the forefront, all of the unsafe conditions that exist inside the prison.

Schiavone, a long time union leader, stated "He has experienced management's attempts to reduce operating costs by closing posts before, but never has he seen the total disregard for safety and security

that exists today."

Union leaders further warned that several avenues were being explored legally against the administration at Arthur Kill, and planned on contacting local elected officials because of the public risk factor.

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Stalled talks near breaking point

By MARGARET COSTELLO
Star-Gazette

The outdoor temperature dropped Friday, but inside state prisons in Elmira and elsewhere in New York, the atmosphere is boiling. That's because the state's 21,000 correction officers have been working without a contract since April 1. The officers union, the New York State Correction Officers and Police Benevolent Association, has accused the state of bargaining in bad faith and has declared an impasse in contract talks. A mediator ultimately will propose a contract settlement, though the mediator's proposal is not binding.

LANCE COLEMAN/Star-Gazette Herb Wild, a correction officer at Southport Correctional Facility and a union steward, places letters on a sign Friday afternoon as part of a rally to protest the lack of progress in ironing out a contract for officers. New York correction officers have been without a contract for almost a year. About 75 correction officers from the Southport Correctional Facility rallied Friday afternoon along Pennsylvania Avenue to protest the slow pace of contract negotiations. All told, Southport and Elmira correctional facilities employ about 750 officers.

Officers have rallied daily for the past week, their only job action so far. State law bars correction officers and most other public employees from striking.

The state has offered a four-year contract with annual 3 percent raises retroactive to October. The union, however, maintains that the raises would be offset by increased health insurance costs.

"They give it to you with this hand and take it back with the other hand," said correction officer John Winant, chief steward at Elmira Correctional Facility.

Over the past decade, correction officers have received raises averaging less than 2 percent annually -- less than the rate of inflation, said Richard Harcrow, a union official in Albany. The starting salary for correction officers is about \$26,000 a year.

But Mary Hines, a spokeswoman for the state Office of Employee Relations in Albany, said state negotiators believe the officers have been offered a fair contract and were disappointed that the union had declared an impasse.

"We were not fully satisfied with the last contract, but the state was experiencing a fiscal crunch," said correction officer Dan Morgan of Pine City, who helped negotiate the last contract in 1995. This time around, Morgan said, the state needs to do better.

Officers at Friday's rally held posters that contrasted their modest salary increases to the 38 percent raise lawmakers in Albany approved for themselves last year.

Beyond economic issues, the union wants limits on how long an officer can be suspended without pay and benefits. Such limits are common in most other law enforcement contracts.

Dennis Fitzpatrick, a union spokesman in Albany, said that right now, a correction officer can be suspended for as much as two years without pay and benefits before an administrative hearing.

Fitzpatrick said that inmates written up on disciplinary charges are entitled to a hearing within seven days.

Fitzpatrick compared the current frustrations to that of correction officers in 1979, when they struck for 16 days, forcing the state to call 12,000 National Guard members to staff the 33 state prisons that existed at the time. The state has more than twice as many prisons today, and more than three times as many inmates, Fitzpatrick said.

The union was fined heavily for violating the strike prohibition in 1979, Fitzpatrick said.

Fitzpatrick said he doesn't advocate a strike, but he noted that "the same things that led up to the strike in 1979 are happening again. Strikes do not help anybody. (The union) certainly will not put our membership in harm's way by calling a strike."

But correction officers say their frustration is mounting.

"(Officers) will do whatever they have to do to get a fair contract," said Garrett Conover, the union's chief steward at the Elmira Correctional Facility. "We're tired of being second-class law enforcement."

The state has withheld a \$550 check to each officer to cover the annual cost of cleaning uniforms. The check was supposed to be issued Dec. 1, Conover said.

The failure to pay the uniform allowance prompted the union to accuse the state of unfair labor practices in a complaint filed with the Public Employment Relations Board, said union president Brian Shanagher in Albany.

Hines, however, said the state isn't required to pay the uniform allowance because the benefit ended when the old contract expired.

A mediator will be selected within the next two weeks to collect information to craft a contract recommendation, said Herb Wild, a union steward and officer at Southport.

"We aren't trying to be unreasonable," Conover said. "The bottom line is we want a fair contract."

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UUP Contract Highlights

UUP members recently ratified their four-year contract by a record 96 percent of the votes: 9,831 to 332. The contract affects approximately 23,000 academic and professional faculty on 29 State University campuses and is effective July 2, 1999 through July 1, 2003.

Compensation

Members will receive a \$500 lump sum cash payment in paychecks dated November 24, 1999, and a three percent salary increase for each year of the agreement payable in January or March. This would be equivalent to an October payment for other unions with an April 1 contract start date.

Location pay for work locations in New York City, Suffolk, Nassau, Rockland and Westchester Counties will increase by \$1,200 over the course of the agreement.

On-call pay increases to \$3.50 per hour.

Family Benefits and Health Insurance

Many improvements were made in the efficiency and quality of the State's employees health benefits programs, allowing employees to utilize the plan to their best advantage with an eye towards prevention.

The Empire Plan will now include access to "Centers of Excellence" where infertility treatment, including travel, meals and accommodations, is a covered benefit.

A "Centers of Excellence Program" will also be established under the Empire Plan for organ and tissue transplants.

The influenza vaccine is now a covered pediatric immunization.

Many adult vaccinations will now be covered under the Empire Plan, including Influenza, Pneumococcal, Measles, Mumps, Rubella, Varicella and Tetanus Toxoid

A nurse line feature is being added to the Empire Plan where employees can access both clinical and benefit information and educational materials through a toll-free phone number 24 hours a day, seven days a week.

A disease management program will be established under the Empire Plan for the comprehensive care of chronic diseases.

A sick leave exchange program will be introduced to allow employees to earn three fewer days of sick leave in exchange for a reduction of up to \$300 in health insurance premiums. In addition, a Medical Flexible Spending Account (MFSA) will be established as soon as practicable, where employees may elect to contribute the \$300 to the MFSA in lieu of a reduction in health insurance premiums. The MFSA will allow employees to set up a "savings" plan for anticipated medical expenses not covered by insurance or only covered in part, such as adult braces, Laser Keratotomy, health insurance premiums or co-pays. The monies will be taken directly from the employee's bi-weekly paycheck on a pre-tax basis, thereby reducing taxable income.

Co-payments for participating provider office visits will remain unchanged until January 1, 2001 when they will increase slightly from \$8 to \$10 and then to \$12 in January 1, 2003. These co-pays will now also cover certain physical therapy visits.

Co-payments for hospital emergency room services will remain the same until January 1, 2002 when they will increase from \$25 to \$35.

Effective January 1, 2000, the \$8 drug co-payment will decrease to \$5 for a 90-day supply of generic drugs. Brand name drugs will be covered at \$15 for a 90-day supply.

Eligible part-time employees will receive health insurance coverage for 13 pay periods for each semester of service. So, an employee who teaches in consecutive Spring and Fall semesters and elects to enroll for health insurance for both semesters, will not experience a lapse in benefits or a waiting period between semesters.

Recognizing the changing needs of families in relation to both child and elder care, the name of the New York State Labor/Management Child Care Advisory Committee (NYSLMCCAC) has changed to the Family Benefits Committee and will continue to serve as an advisory body to monitor and evaluate the Family Benefits program. Consistent with the goals of the Committee, the existing resource and referral program, currently available to NYC employees, will be expanded by October 1, 2001. This program provides educational materials and consultation and referral services for Executive Branch State employees seeking child and/or elder care. By calling a toll-free number, employees reach expert consultants who help them with any child or elder care questions, send free educational materials and research local resources for care options in the public and private sectors.

Enrollees in the Dependent Care Advantage Account (DCAA) will receive a \$200 employer contribution to use towards child and/or elder care.

Leave Benefits

Employees eligible to accrue vacation will receive one additional vacation day which will result in an initial accrual rate of 16 days annually for leave other than sick leave.

Executive Labor-Management Forums

The new contract provides an opportunity for both labor and management to discuss the following issues:

A review of hospital structures to ensure medical schools and teaching hospitals remain competitive.

The use of dedicated recognition systems in the workplace for the purpose of employee safety, security analysis and programmatic efficiency.

Review of the existing salary structure to promote equity and recruitment of a high quality work force.

Professional issues including title series and the Fair Labor Standards Act

Enhanced presidential discretion with respect to leaves for emergency conditions.

Clinical Practice

Changes were made to promote more efficient administration and accountability of clinical practice plans in SUNY's Health Science Centers, School of Dentistry, College of Optometry or affiliated institutions.

Division I

The University will establish new coaching titles for all full-time calendar and college year employees with coaching responsibilities that exceed 75% of their professional obligation. In addition, employees will be eligible for term appointments of varying lengths depending on the NCAA divisional level of competition.

The package recognizes the contributions made by these employees while at the same time, balances the needs and goals of the State. Clearly, UUP members have voiced their support of this contract which

recognizes their value and provides them with fair benefits.
