

Prison News and News Articles About / For Correction Officers: { Page 44 }

ARTICLE LIST:

- [State COs Win CSEA Pattern, Plus Bonuses](#)
 - [Correction officers should reject poor contract](#)
 - [Angry guards disrupt GOP party](#)
 - [Correction officers insulted by proposed pact](#)
 - [Inmate advocate barred from state prisons](#)
 - [Activist barred from prisons](#)
 - [Prison guards want new union leaders](#)
 - [Work-release inmate electrocuted](#)
 - [PEF Contract Announcement!](#)
 - [Governor and Union Agree on 14% Raises](#)
 - [Inmate death raises issues about safety](#)
 - [NY Prison guard accused of beating inmate](#)
 - [NYSCOPBA launches an information campaign](#)
 - [Auburn Prison Lockdown](#)
 - [Wage adjustment for NY state pensioners nears approval](#)
 - [State lawmakers likely to OK pension credit for vets](#)
 - [Challenge roils guards' union](#)
 - [Some prison guards label new union undemocratic](#)
-

[Back to the Titles](#)

Correction officers should reject poor contract

The Chief (Civil Service Leader) 05/26/00

13% Hike Augmented By Up To 44G in Sweeteners

By William Van Auken

In its first contract negotiation since ousting AFSCME Council 82 as the bargaining agent for state jail offers last year, the New York State Correctional Officers and Police Benevolent Association was able to wrest from the Governor's Office of Employee Relations two additional benefits on top of the bargaining pattern set by the Civil Service Employees' Association pact negotiated in March. The tentative agreement reached May 18 provides the 24,000 state correction officers, security personnel and institution safety officers with the 13-percent total wage hike and the same benefit increases negotiated by the CSEA.

SECURITY DIFFERENTIAL

The additional gains, granted in recognition of the particular dangers of jobs in the state correctional facilities, include a "security enforcement differential" that would immediately provide correction officers with bonuses totaling \$625 followed by a \$550 bonus in 2001 and a \$575 bonus in 2002.

Also introduced in the agreement is a "pilot productivity gain program" that would pay jail officers for limiting their use of sick time. (Continued on Page 9) Qualified Cos who use no sick days over the course of a year would receive a \$1,000 bonus, with smaller payments going to those using six days or less. Bonuses awarded under both the new programs would not be added to base pay.

In an attempt to keep experienced employees on the job, the contract provides an additional \$1,000 in base pay for officers once they reach 20 years of service.

"MAJOR STEPS"

NYSCOPBA President Brian Shanagher called the added benefits "major steps toward the law enforcement contract our members deserve, especially after two contracts which contained three zeroes in eight years."

Like the CSEA deal, which was ratified last month, the NYSCOPBA accord provides a \$500 lump-sum signing bonus and increases in cost-of-living differentials paid to downstate workers. It also contains a pledge by both sides to seek legislation eliminating for Tier 3 and 4 employees with 10 years of service the 3-percent pension contributions deducted from their paychecks, and providing additional pension credits for Tier 1 and 2 employees.

The union said it won new protections for members facing disciplinary charges.

NYSCOPBA's executive board voted 6-3 to recommend the pact to the union's membership. Edwin Mercado, a vice president representing the southern tier, cast one of the opposing votes. "I'm against it and I don't think the membership will ratify it," he said. "The percentage increase doesn't make up for the zeroes we got in the last contracts."

[Back to the Titles](#)

Correction officers should reject poor contract

Once again the state of New York has refused to recognize its correction officers for the difficult and dangerous job they perform. The state for months refused to budge on its pathetic contract offer to the union for the correction officers, the New York State Correctional Officers and Police Benevolent Association.

Now, they have backed the union into a corner by demanding that it bring this poor excuse for a contract back to its members for a vote. Gov. George Pataki then insults correction officers by stating that he "recognizes the difficult and dangerous job they do" and that he is "glad they have reached a 'tentative' agreement which compensates them for the job they do."

You've lost me on this one, governor. Those who have found it in their hearts to vote themselves a 38 percent pay raise have supported a microscopic pay raise for correction officers.

Oh, by the way, the governor forgot to mention that much of this puny pay raise is to be offset by an increase in insurance and co-pay costs. Did I mention the annual clothing allowance the state has refused to pay us? I guess the governor just forgot to mention these "small items" in his meaningless statement.

Fellow officers, I strongly urge you to vote "no" to this ridiculous and insulting contract. The politicians who claim to support us but have proven otherwise care about only two things -- being elected and being re-elected.

Let us show them our appreciation for their failure to recognize us and the job we perform 365 days a year.

See you at the polls in November.

CRAIG MOSHER

[Back to the Titles](#)

Angry guards disrupt GOP party

BUFFALO: Correction officers gave state Republican Party convention-goers a rude welcome yesterday, lining up en masse outside the Hyatt Regency to protest the Pataki administration's tentative contract offer.

By Matt Smith
Ottaway News Service
msottaway@aol.com

In a scene reminiscent of the Al Pacino movie "Dog Day Afternoon," correction officers angrily chanted "Attica, Attica," while Republicans from throughout the state filed into the hotel for their convention.

"We're here showing Governor Pataki that a fair and equitable law enforcement contract is what we want," said Joseph Pustulka, an officer at Gowanda Correctional Facility and a union steward for the New York Correctional Officers and Police Benevolent Association, which represents 24,000 prison guards.

"Safety also needs to be addressed," Pustulka said. "There's concern about tuberculosis and hepatitis, and, of course, violence is an issue inside the facilities."

Under the tentative deal reached May 17, correction officers would receive pay hikes totaling 13 percent over the life of the four-year contract, retroactive to April 1999. They also would see raises in areas such as location pay and shift differentials.

"It treats their members with respect," said Pataki spokesman Michael McKeon. "It's a contract that provides substantial wage increases, substantial pension benefits, and I think it recognizes the tough job that they have. The governor has nothing but respect for the correction workers.

"They have some of the toughest jobs in state government, if not the toughest." But guards have criticized the pact because it does not offer the same type of job-security protections enjoyed by other law enforcement agencies.

For example, under the tentative deal, guards still could be suspended without pay. Union members claim that's unconstitutional.

Also, officers would see increases in co-pays to their medical and prescription plans. "I've been in constant contact with prisons throughout the state," said Larry McCormick, an officer at Gowanda. "Nobody wants this contract."

"As for our medical issues, they crossed out major medical on our contract and put in basic medical," McCormick said. "Don't touch our medical insurance at all."

Pustulka said guards are not only frustrated by the Pataki administration's offer, but also with union leaders for bringing this type of package back to its members.

[Back to the Titles](#)

Correction officers insulted by proposed pact

By MARGARET COSTELLO

Star-Gazette

Many officers at Elmira, Southport and Monterey state correctional facilities intend to reject a proposed four-year contract with the state in an upcoming vote, local union leaders said. Members of the New York State Correctional Officers and Police Benevolent Association reviewed the tentative contract, recently mailed out by union officials in Albany, and found the annual raises of 3 percent to 3.5 percent and changes in medical coverage unacceptable, said local union spokesmen.

"We unanimously voted against the contract," said Brian Caster, a union steward and drill instructor at Monterey Shock Incarceration Correctional Facility in Schuyler County.

About 40 correction officers at Monterey met last week and decided to vote against the proposed contract, Caster said.

The union represents more than 21,000 correction officers statewide, including more than 800 at the Monterey Shock Incarceration, Elmira and Southport correctional facilities.

State union officials reached a tentative agreement with the state on May 18, despite declaring an impasse in contract talks in March. The state's correction officers have been working without a contract since April 1, 1999.

No meetings on the pact have been held yet at Elmira or Southport, but union officials said most of the correction officers find the tentative contract unacceptable.

Union members said they are dissatisfied with the 3 percent raise that is retroactive to Oct. 1, 1999, not to the date their last contract ended, and said the raise would be eaten up by increased out-of-pocket costs for health insurance, said Garrett Conover, chief steward at Elmira Correctional Facility.

Correction officers are not sure when the results of the vote will be announced.

Officers said the proposed contract does not address their concerns about the suspension process, under

which an officer can be suspended without pay for an undefined period without having an administrative hearing, said John Winant, chief steward at Southport.

"We find that bringing back this contract will do nothing to help us move forward," Winant said. "We would rather have the impasse process continue and have the legislators decide what we should get."

Every correction officer will receive a ballot for a contract vote in the mail in the next few weeks and will have 30 days to return it to the American Arbitration Association, a neutral party that will count the votes, said Herb Wild, a correction officer at Southport and a member of the negotiating committee for the union.

Many of the union members believe the state is bargaining in bad faith and feel betrayed by union officials, Conover said.

Winant said some Southport officers will cast their ballots in front of a witness who will record the results so union leaders cannot distort the numbers.

If the union members reject the contract, the two sides could return to the bargaining table or have the state Legislature create a one-year contract that would address salary issues.

Health insurance, disciplinary procedures and other issues would continue as defined in the expired contract, Wild said.

Petitions calling for the resignations of union leaders in Albany have been circulating at facilities across the state, Conover said.

Wild said the negotiating committee members were told they could not comment on whether they are satisfied with the tentative contract. He said the union's executive board made the decision to put the contract before the members.

"Now, it's up to the membership to decide as to whether they like it or not," Wild said.

[Back to the Titles](#)

Inmate advocate barred from state prisons

by JOEL STASHENKO
Associated Press Writer

ALBANY, N.Y. (AP) -- An inmate advocate has been barred from state prisons for what administrators contend was her role in fomenting unrest among prisoners in late 1999.

State Corrections Commissioner Glenn Goord wrote Alice Green on May 9 saying she was "correct" to surmise that she and her staff at the Albany-based Center for Law & Justice "are being denied access" to state prisons.

Green said she has been unable to get into a state prison since last year. Scheduled visits since then seemed to fall through at the last second or invitations from prison groups were rescinded, Green complained. She said Wednesday that Goord's letter was in response to a month's worth of daily calls to the commissioner's office seeking to determine if prisons were indeed off-limits to her and others in her

group.

"I am really disturbed about it," she said Wednesday. "It affects the work that we do. I have been working in the prisons for a little over 20 years and never had any incidents, never did anything wrong. It is hurting the families of prisoners and prisoners."

Goord said he considers Green and others in her group a "clear threat to the safety and security of correctional employees and inmates."

In particular, Goord charged that Green's group encouraged inmates to strike on or around Jan. 1, 2000, to protest state parole policies, prison labor issues and other grievances prisoners have against the way state prisons are run.

"Thanks to the professionalism, vigilance and dedication of department employees, the action was averted, albeit at a cost to the taxpayers of millions of dollars," Goord said.

The state mobilized all 1,000 members of its SWAT-like emergency response teams and stationed them near prisons throughout the state to deal with possible strikes. They were never called into facilities to quell any violence or other disturbances.

Rumors began to circulate widely as 1999 came to a close about a planned strike by some inmates to coincide with problems facilities might experience due to the Y2K computer bug.

No such computer problems occurred, nor did inmate strikes come off, though the Sing Sing and Green Haven prisons were locked down prior to Jan. 1 because of weapons and other problems.

Green said it is "totally ridiculous" that she agitated in favor of an inmate strike, though she acknowledges being sympathetic to prison complaints about parole and prison labor.

"We're a prisoner rights advocacy group," Green said. "But I in no way did anything inside the prison or outside the prison to encourage it (the strike)."

Goord did not say how long Green would be banned from prisons, but Green said she assumed it will go on for as long as he is commissioner.

Prison system spokesman James Flateau said Green is the only person currently barred from New York prisons as a possible security risk to inmates and staff.

New York law gives the state's prison commissioner wide discretion to decide who and who does not get to visit facilities.

[Back to the Titles](#)

Activist barred from prisons

From: timesunion.com 06/01/00

Alice Green denies trying to provoke inmate strike

After 20 years of visiting inmates in state prisons as part of her prisoner advocacy program, the Center

for Law & Justice in Albany founder and executive director Alice Green has been denied access to state correctional facilities after authorities accused her of trying to organize an inmate protest.

State Department of Correctional Services Commissioner Glenn Goord informed Green by letter that she and members of her staff are shut out because they "pose a clear threat to the safety and security of correctional employees and inmates."

In his letter, Goord accused Green of "encouraging an illegal system-wide inmate action on January 1, 2000."

Green denied involvement in the Y2K inmate protests, including a work stoppage.

"I don't understand the letter because I didn't do anything wrong," Green said. "I did nothing on the inside or outside to encourage or promote the work stoppage."

Green expressed frustration because she has personally called Goord daily for the past month, before and after the letter, seeking a detailed explanation of the commissioner's visit ban. Goord has not responded.

"I think I'm owed some professional courtesy," Green said.

"The letter speaks for itself," said DOCS spokesman Jim Flateau.

Green has operated her program under several DOCS commissioners and governors and considers Goord's regime the most punitive she's encountered.

"The prisoner writings that are now considered contraband were allowed in years past," Green said. "There's nothing in the prisoners' grievances today that I haven't heard before."

Green said she noticed her routine requests for access began being denied about a year ago after DOCS officials branded her "a radical."

"I've spoken to countless prisoner groups over the years, but under Goord I've been denied," she said.

[Back to the Titles](#)

Prison guards want new union leaders

The Times Herald-Record Sunday June 4, 2000

ALBANY: Four officials of the state correctional officers' union were fired by the union's current president Friday, while union members clamored for his removal.

The Associated Press

Contract rumblings among state prison guards appear to be evolving into a full-blown battle over the future of the union that only 14 months ago replaced the 30-year-old Council 82.

The executive board of the 24,000-member New York State Correctional Officers & Police Benevolent Association fired four union officials Friday, accusing them of misrepresenting details of the tentative pact and urging members to vote against it.

Meanwhile, petitions circulating in state prisons cry for changes in NYSCOPBA leadership, including removal of union President Brian Shanagher.

Local union representatives told the Watertown Daily Times that signature drives are under way at Attica, Cape Vincent and Watertown prisons. Michael E. Mikulak, chief sector steward at Watertown Correctional Facility, said petitions are being circulated throughout the prison system.

NYSCOPBA officials did not return repeated phone calls seeking comment.

Critics of the tentative agreement, announced two weeks ago, have complained it differs little from the contract reached with the Civil Service Employees Association and does not reflect the dangers NYSCOPBA members face every day.

They say the proposed pact represents "pattern bargaining," which NYSCOPBA promised it would not do, said Timothy E. Munroe, chief sector steward at Cape Vincent Correctional Facility.

In April 1999, rank-and-file guards and other state security officers voted to oust Council 82 and go with the upstart union. During the decertification campaign, NYSCOPBA accused Council 82 of pattern bargaining, or accepting contracts patterned after those agreed to by larger state employee unions such as CSEA.

The schedule of pay raises in the proposed contract is the same as in the contract recently approved by CSEA members. There would be a base salary raise of 3 percent, retroactive to Oct. 1, with another 3 percent raise retroactive to April 1. There would be 3.5 percent raises in the last two years of the contract.

But NYSCOPBA officials say the deal is superior to the CSEA deal because it includes "law-enforcement differentials" of \$125 to \$575, depending on seniority.

NYSCOPBA members are also upset about proposed increases in medical copayments, which state negotiators say are for expanded benefits the rank and file would support if they knew more about them.

On Tuesday, delegates to the state Republican convention in Buffalo were met by prison guards protesting the tentative agreement.

Also Tuesday, stewards from 11 prisons met in Utica to discuss the contract. Mikulak accused NYSCOPBA officials of sending "goons" to the meeting to try to intimidate the stewards. Following a meeting of the executive board, Shanagher, the union's president, sent a memo to chief sector stewards announcing the firing of four "business agents" (liaisons between regional vice presidents and union officials at individual prisons).

Shanagher accused the four of spreading "negative and inaccurate information about the tentative agreement," which he said exposed the union to sanctions under state labor law. He did not elaborate on the alleged false information.

Mikulak said he expects more firings as NYSCOPBA's leadership tries to put down the revolt.

"This is just the tip of the iceberg," he said. "I think it's going to get worse before it gets better".

[Back to the Titles](#)

Work-release inmate electrocuted

By Rik Stevens

WILTON -- An inmate helping scrape paint at a church as part of a work release program was electrocuted Thursday when a gust of wind toppled an aluminum ladder into a power line, the Department of Corrections said.

The 34-year-old inmate, whose identity was withheld pending notification of his family, was with a crew of nine others from Mt. McGregor Correctional Facility scraping paint at the Good News Worship Center, a tiny, one-story church just off the state's main north-south highway.

About 1:30 p.m., another inmate and a corrections officer began to slide an 18-foot extension ladder along the building when a gust of wind caught it. The second inmate tried to help them catch the falling ladder but it fell over and hit a power line 12 to 14 feet from where the line entered the church.

All three men were thrown to the ground by the shock. One inmate was taken to an area hospital where he was pronounced dead at 2:30 p.m. An autopsy will be performed to help determine the cause of death.

The other inmate and the corrections officer, who also were not immediately identified, did not appear to suffer any injuries, the corrections department said. They remained in the hospital overnight for observation.

Corrections officials said the death is the first in "several years" of an inmate on work release. Each weekday, more than 2,500 inmates statewide work in the community, cleaning roadsides and cemeteries, raking leaves and doing other jobs.

Work began at the church on Monday and was expected to be completed by the end of next week. The job has been suspended until an investigation is completed.

The church is tucked into a small slice of land sandwiched between an old cemetery and Scottie's Truck Plaza in this mostly rural town. The medium security, 550-cell Mt. McGregor prison overlooks the church from its ridge three miles away to the northwest. The deceased inmate was in the 350-bed minimum security wing next to the main prison.

Crews from Niagara Mohawk Power Corp. said power was not interrupted by the accident and the church still had electricity.

The dead inmate was convicted in 1999 of grand larceny and was serving a 1 1/3- to three-year sentence for a crime committed in New York City. His original parole date was May 14 but was extended to May 2002 by the Board of Parole. His maximum sentence would have ended in August 2003. He had previous convictions for robbery.

[Back to the Titles](#)

PEF Contract Announcement!

From: newsday.com 06/11/00

ALBANY, N.Y. (AP) - Gov. George Pataki announced Saturday that the state and the Public Employees Federation have agreed to a tentative contract.

The agreement calls for a 3-percent raise retroactive to October, another 3 percent retroactive to April, another 3.5 percent in April and 3.5 percent more in April 2002, according to the state. The pact would include a \$500 signing bonus.

The deal still must be approved by the executive board and members of the union that represents more than 50,000 state workers. Those votes could take a month, PEF officials said.

"I'd like to thank the PEF membership, and the leaders of our union, as well as our international unions the American Federation of Teachers (AFT) and the Service Employees International Union (SEIU), who stood shoulder to shoulder with us during these long negotiations," said PEF President Roger E. Benson. "This agreement meets the unique needs of our members."

Pataki said that PEF is now expected to join the Civil Service Employees Association to support legislation Pataki seeks to amend the retirement law. The law change would allow for no contribution by employees to Tier 3 and Tier 4 after 10 years of service effective Oct. 1. It would also provide Tier 1 and Tier 2 employees (most of the state's oldest retirees) with one month of retirement service credit per year worked, up to 24 months.

PEF officials said the major sticking point in negotiations involved the use of electronic timekeeping methods.

The new agreement would preserve the members protections against the use of such records for disciplinary purposes, according to PEF officials. The proposed pact also includes some changes in health benefits, including an increase in office visit co-pays from \$8 to \$10 to \$12 per visit, and a reduction in the cost of generic prescription drugs from \$8 to \$5. The cost for brand name prescriptions would increase from \$8 to \$15. Dental benefits would also be enhanced.

PEF and the state have been without a contract since April 1999.

The union represents 54,000 white-collar workers - in professional, scientific and technical fields.

[Back to the Titles](#)

Governor and Union Agree on 14% Raises

By THE ASSOCIATED PRESS

ALBANY, June 10 -- Gov. George E. Pataki announced today that the state and a major state employees' union had agreed on a tentative contract providing raises of nearly 14 percent.

The agreement with the union, the Public Employees Federation, calls for a 3 percent raise retroactive to October, another 3 percent retroactive to April, 3.5 percent next April and 3.5 percent more in April

2002, according to the state. The contract would include a \$500 bonus for the union's members.

The agreement must be voted on by members of the union, which represents more than 50,000 state workers.

Mr. Pataki said the union was expected to join another major union representing state employees, the Civil Service Employees Association, in supporting legislation he seeks to amend the law governing state workers' pensions.

The change would eliminate contributions by many workers who make them now after 10 years of service, and change the formula for calculating the pensions of the state's most senior workers.

The union represents 54,000 white-collar workers in professional, scientific and technical jobs.

[Back to the Titles](#)

Inmate death raises issues about safety

From: timesunion.com 06/10/00

Wilton -- Sean Clark, 34, died working at Good News Worship Center

The accidental death of a prisoner on a community-service detail in Wilton Thursday has raised questions about the adequacy of safety protections for inmates.

Sean Clark, 34, of Brooklyn was in a crew of nine inmates and a correction officer from the nearby Mt. McGregor Correctional Facility's minimum security camp. They were refurbishing a church on Ballard Road just west of Northway Exit 16 when Clark touched an aluminum ladder as a gust of wind knocked it into a 7,600-volt overhead power line. He received a fatal jolt of electricity.

The department originally explained that the electric line had run from the Good News Worship Center to a nearby utility pole. But they said on Friday the ladder hit a more powerful line that was higher and farther away from the church.

Any conductive object in contact with workers must be at least 10 feet away from any high-powered line. Some scaffolding at the church was only 18 inches from the wiring into the church. And the wire to the church was only about 18 feet high.

"Inmates definitely were not working on the scaffolding. The people from the church were working on the scaffolding," said Jim Flateau, Department of Correctional Services spokesman.

The high-tension wire was about 27 feet high and no closer than 12 feet from the church, according to Niagara Mohawk Power Corp. Utility spokesman Nick Lyman said Friday there were "indications consistent with the ladder hitting" the more distant line.

Clark Conklin, acting area director in the Albany office of the Occupational Safety and Health Administration, said his federal agency has no jurisdiction in this case. He said his arm of the U.S. Department of Labor deals only with employees of employers and federal employees.

"I was told we follow the OSHA standards for inmates," Flateau said. "One of the reasons we do that is

that inmates are out there supervised by officers, and we can't send the inmates to do things the officers can't."

He added that Clark is the first inmate to die in a work-related crew accident in at least 15 years.

But Alice Green, a critic of the corrections department, said inmates have little protection.

"If they were free people, they would have all kinds of protections under the Department of Labor. Here, because they are exploited slave labor, there is very little concern about their safety," said Green, director of the Center for Law and Justice.

[Back to the Titles](#)

NY Prison guard accused of beating inmate

From: timesunion.com 06/10/00

Suspended Correction Officer Michael Carroll, 41, faces hearing

A veteran correction officer at Coxsackie Correctional Facility faces a number of criminal charges that allege he beat a young inmate, set up an inmate-on-inmate confrontation and planted a knife in the maximum security prison.

Michael Carroll, 41, of East Durham has been suspended from duty since May 10. The state Department of Correctional Services in a letter sent to Carroll last month proposed firing him for the alleged misdeeds and for allegedly lying to FBI and the state Inspector General's Office investigators.

The misconduct involves several misdemeanors and one felony, according to the complaint, although Carroll has not been arrested. Carroll has appealed the proposed discipline -- dismissal and loss of accrued leave. His alleged actions also triggered a civil rights investigation by the FBI into a brutality complaint.

Carroll referred questions to Albany lawyer Larry Schaefer, who said the matter is set for an arbitration hearing and that he could not comment on the facts, "but Michael will be vindicated when all is said and done."

According to the notice of discipline sent to Carroll May 8 by the corrections department, alleged crimes include illegally giving an Albany FBI special agent a document taken from a prisoner's cell.

The notice also says Carroll failed to stop Sam Hall from attempting to assault Justin Eldred July 24 during a lunch-time encounter.

According to the notice, Hall was waiting for Eldred at the bottom of a staircase that day. When seeing Hall, Eldred fled toward his cell with Hall in pursuit. Carroll did nothing to stop the chase, according to the allegations.

Hall, 20, is serving 5-to-10 years for second-degree criminal possession of a weapon and third-degree criminal possession of a controlled substance.

The record of Eldred, who was serving 1-to-3 years, is not available because he was given

youthful-offender status, state officials said. He is believed to be 20 and from the Syracuse area and was released from prison last November. He is under the supervision of the Division of Parole through July 13, 2001. Attempts to reach him were unsuccessful.

The corrections department alleges that on the day of the encounter between Eldred and Hall, Carroll struck Eldred unnecessarily. Using his baton, he allegedly hit Eldred on his back, legs and head while Eldred lay stomach-down on the ground. Carroll also kicked Eldred near the groin when the prisoner stood handcuffed, according to the notice.

On the same day as those incidents, Carroll allegedly planted a seven-inch "shank," or knife, where Eldred encountered Hall, the notice says.

The charges also state that Carroll filed a false "inmate misbehavior report" on Eldred and lied to Special FBI Agent Marc Promutico and the Inspector General's Office investigators about the events of that day. The notice from Labor Relations Director Peter B. Brown says the actions resulted in Eldred losing his Aug. 16 parole release.

According to the notice, on Oct. 31 Carroll took personal property from the cell of Wilfredo Gonzalez: a three-page document turned over to Promutico.

Most of the alleged actions, the notice of discipline said, constituted misdemeanors, while the introduction of a knife into the prison would be a felony.

Linda Foglia, a department spokeswoman, confirmed that a notice of discipline was sent to Carroll and that he has been suspended without pay since May 10. "It's a personnel issue and we cannot comment on it. When this goes through an arbitration hearing this information will become public."

Carroll has been a correction officer since March 1987 and has been active in union activities over the years. His salary is listed as \$39,680 per year.

Roger Clancy, an FBI spokesman, wouldn't confirm having received a complaint from Eldred about Carroll. He said the agency recently completed a preliminary investigation to determine the substance of an allegation of correction officer brutality filed by an inmate who alleges his civil rights were violated through the actions of one or more correction officers. Clancy said the complaint was filed by a prisoner who allegedly was beaten.

The investigation results were forwarded to the Department of Justice, he said.

"Many allegations revolve around the word of one inmate against the word of one correctional officer," Clancy said. "Civil rights investigations/correctional officers brutality allegations are difficult to prosecute."

[Back to the Titles](#)

NYSCOPBA launches an information campaign

Albany-The state prison guards' union has launched an information campaign to counter widespread dissatisfaction over a tentative contract negotiated with the state. The New York Correctional Officers & Police Benevolent Association is conducting a mass mailing today to it's 24,000 members,its second in

recent days, to counter what it says are misinformation, rumors and outright lies about the contract.

Also 25 to 30 union officials have been dispatched to prisons to discuss the contract with rank-and-file members, said NYSCOPBA spokesman Dennis J. Fitzpatrick. Since details of the contract were made public three weeks ago, NYSCOPBA members, including many union officials at the prisons, have reacted angrily, accusing union leaders in Albany of selling them out.

Petitions have been circulating in some prisons to oust union leaders, particularly NYSCOPBA President Brian Shanagher. This is the first contract negotiated by NYSCOPBA, which won the right to represent rank-and-file guards from Council 82 in a bitterly fought decertification election last year. Contract negotiation was a key issue in that election.

In an interview Thursday, Fitzpatrick blamed the dissatisfaction over the contract on a "radical faction" that has been spreading half truths and outright lies about the contract. Union officials, however, are confident that members will support the contract once they take a good look at the details, he said. "Is it everything we wanted in this contract? No, it is not. Did we get some improvements? Yes, we did," he said.

Recent conversations with members indicate that the tide is turning and support for the contract is growing, Fitzpatrick said. "They're coming around," he said. Based on recent interviews with sector stewards at several prisons, it appears the union has an uphill battle. Despite the criticism of the proposed contract, union officials were obligated to bring the agreement back to its members for a vote once the state indicated that it wasn't going to offer anything better, Fitzpatrick said.

Critics of the tentative agreement say it is patterned after the contract recently ratified by members of the Civil Service Employees Association, the state's largest public employees union, and is not a law enforcement contract. Fitzpatrick said the contract has several provisions that deal with its members' special needs.

[Back to the Titles](#)

Auburn Prison Lockdown

The Auburn Correctional Facility is under lockdown orders while the staff conducts a facility-wide frisk for weapons. Officers had to fire warning shots twice in the last three days to breakup fights involving inmates in the prison yard. Prison Commissioner Glenn S. Goord said,

"I will not tolerate any assault on staff or others by any inmate at any time. Those inmates who chose to assault staff and others can be assured that they will face swift and severe disciplinary sanctions at the facility levels and, where applicable, criminal charges as well." Both fighting incidents are being investigated.

The lockdown is expected to last at least until Saturday. This means the inmates will be confined to their cells while officers search individual cells and common areas for weapons and other contraband. Auburn is a maximum-security prison in Cayuga County.

[Back to the Titles](#)

Wage adjustment for NY state pensioners nears approval

By WILLIAM F. HAMMOND Jr.
Gazette Reporter

ALBANY - Lawmakers continued negotiating fine points of an automatic cost-of-living adjustment in the pensions for government retirees, even as the state Business Council raised questions Tuesday about the long-term cost for taxpayers.

"Guaranteeing dramatic pension improvements forever will put New York and its taxpayers on fiscal thin ice unless lawmakers fully consider future market fluctuations," Business Council President Daniel Walsh said in a statement Tuesday.

But union leaders and legislators said the last-minute objections would not deter them from fulfilling their promise to retirees.

"They can talk till they're blue in the face," said spokesman Stephen Madarasz of the Civil Service Employees Association, which represents over 200,000 state and local government workers. "We're still very comfortable that COLA is going to be a go."

Walsh acknowledged that the \$127 billion pension fund for state employees and local government workers outside New York City can afford so-called "COLAs" in the short term because of its recent gains on Wall Street. But he argued that pension funds for New York City workers have not done quite so well, and that taxpayers could be forced to pick up the cost of yearly COLAs during a sustained bear market.

"We suggest that actuarial estimates of pension costs over the next 10 years be calculated, made public, and be factored into the debate before this bill becomes law," Walsh said.

But Assembly Governmental Employees Chairman Eric Vitaliano, D-Staten Island, said he's convinced the state's eight major pension funds for public employees can pay for the COLAs without collecting further money from government employers.

"The actuarial data strongly suggests that there will be no impact on employer contributions in the foreseeable future," Vitaliano said.

Pension fund investments in the stock market and elsewhere have grown by so much in recent years that Comptroller H. Carl McCall has reduced the contributions by state agencies and many local governments to zero. The Legislature also voted Monday to eliminate pension contributions from government workers after they have 10 years on the job.

McCall, Gov. George Pataki and leaders of both the Assembly and Senate are on record supporting yearly COLAs for retirees.

Currently, the 627,000 retired public employees of New York state receive fixed pensions based on their years of service and their salary upon retirement. Apart from one-time adjustments periodically approved by the state Legislature, the buying power of their income continually erodes due to the effect of inflation.

Most beneficiaries receive \$10,000 or less per year, and some longer-term retirees get less than \$5,000,

putting them below the federal poverty level and qualifying them for food stamps.

The legislation currently being discussed at the Capitol would provide for automatic yearly increases in pension benefits based on inflation.

Vitaliano said he could not discuss details of the negotiations, but confirmed that the annual COLA for younger retirees is likely to be half of the change in the federal consumer price index (CPI), but no higher than 3 percent. Longer-term retirees - whose benefits have eroded the most because of inflation - would receive a greater share of the CPI each year, but no more than 6 percent, Vitaliano said.

A key issue that is yet to be resolved is how to treat retirees who receive relatively large pensions. In the past, one-time COLAs granted by the Legislature have applied only to the first \$14,000 of annual benefits.

Vitaliano said the Assembly, Senate and the governor's office are certain to reach a three-way agreement on a COLA bill before going home for the summer. The official schedule calls for the Legislature to adjourn today, but lawmakers said they expect to keep working through Thursday or Friday and, if necessary, return for a day or two next week.

[Back to the Titles](#)

State lawmakers likely to OK pension credit for vets

By JEREMY WALLACE

The Journal News

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The state Legislature is expected to pass a bill today that will credit veterans who work in the government with additional time toward their pensions if they served in the military during wars or other conflicts.

The state Senate passed the proposal on Monday, and the Assembly was scheduled to vote on the measure today.

"It should pass," Assemblyman Samuel Colman, D-Monsey, said yesterday.

Colman said the two chambers, plus the governor's office worked out compromise legislation that assures the bill would pass and be signed into law.

The Senate and Assembly, Colman said, have been haggling over whether to credit the veterans for free, or require them to make a contribution of up as much as 5 percent of their annual salary for up to three years.

The compromise, Colman said, was a 3 percent contribution.

"We would have preferred zero contribution," said Jerry Donnellan, the director of Veteran Services in Rockland County. "But 3 percent is still way ahead of the previous law."

In 1998, the Legislature passed a similar proposal, but that required veterans to pay as much as \$50,000

to get credit for their service time.

Donnellan said few veterans took advantage of the buyback because it was so expensive.

State Sen. Thomas Morahan, R-New City, sponsored the bill that passed the Senate this week. Veterans who served during the wars and other international conflicts deserve to have the credit toward their pensions "that will help protect their futures as they have worked to protect ours," he said.

Morahan is the chairman of the Senate Committee on Veterans and Military Affairs.

The legislation allows wartime veterans to apply up to three years of service time toward their civil-service pension if they served during World War II, Korea, Vietnam, the Persian Gulf or during conflicts in Granada, Panama or Lebanon.

"The measure is an expression of our gratitude, honor and respect for all of our veterans who fought for our freedom," Senate Majority Leader Joseph L. Bruno said.

Assemblyman Ronald Tocci, D-New Rochelle, said the state's pension fund is so flush with cash that the financial impact to the state will be minimal. Tocci is one of the sponsors of the legislation in the Assembly

[Back to the Titles](#)

Challenge roils guards' union

Albany -- Dissatisfied with contract proposal, faction seeks support for decertification effort

The fledgling union representing 24,000 correction officers in New York is experiencing some substantial growing pains as its leaders face a challenge from members over a proposed new contract with the state.

A union faction plans to try to decertify the New York State Correctional Officers & Police Benevolent Association (NYSCOPBA), according to some members. The dissident group hopes to gain signatures by July 7 in a petition drive for their Corrections Law Enforcement Union.

The decertification push began after a NYSCOPBA meeting at the Crowne Plaza hotel Thursday and Friday that degenerated into near chaos. The meeting drew about 200 members and became so disruptive from the leadership's point of view that President Brian Shanagher and loyalists on his executive team walked out.

Staff later found an expensive hotel camera broken, according to hotel manager Mike Chouri.

The walkout came after two days of testy questioning from rank-and-file members about the executive team's actions and handling of contract negotiations with the state.

"We had some rowdy people ... who were not interested in conducting any business. They just wanted to disrupt, so the meeting was adjourned immediately," said NYSCOPBA spokesman Dennis Fitzpatrick, who accused "rogues" of trying to kill the proposed contract.

He said about 115 of 200 people at the unusually crowded executive assembly meeting possessed a "mob

mentality."

Thomas Mulhern, a steward at Cayuga Correctional Facility, said rank-and-file members forced a vote compelling the executive board to rehire four business agents fired by Shanagher, apparently for bad-mouthing the proposed contract. At least two executive team members also criticized the contract but could not be fired because they hold elective posts, said Fitzpatrick.

The members also objected to the board's hiring a staff to "sell the contract," said Mulhern, who proposed terminating the workers before Shanagher walked out.

Ballots were mailed out on the four-year contract late last week and will be counted July 11.

NYSCOPBA came to power last year after campaigning to replace Council 82. Shanagher and his team had pledged to end "pattern bargaining" in which all unions get the same terms provided the first union to ratify a contract, typically the Civil Service Employees Association.

The proposed contract follows the CSEA deal but with three special provisions, said Fitzpatrick: security and law differential pay, worth \$1,750 over four years; an added \$1,000 20-year longevity bonus; and the potential for \$1,000 for not using sick time.

Robert Wolfgang, a spokesman for the Albany Police, said police received a complaint that during the meeting someone forced a technician with United Audio Video against a wall and stole a videotape of the proceedings. The company, retained by the hotel to film the meeting, reported a broken camera.

[Back to the Titles](#)

Some prison guards label new union undemocratic

The Associated Press
The Times Herald-Record
Friday June 23, 2000

ALBANY: Some guards are petitioning to get the union decertified, saying pledges have gone unfulfilled.

Some state prison guards say 14 months are enough to show the incompetent and undemocratic nature of the guards' new union the state Correctional Officers & Police Benevolent association. NYSCOPBA said the claims by dissident guards are unfounded are a cover for a scheme to reinstall Council 82 as the guard's bargaining agent.

NYSCOPBA took 20,000 of Council 82's members last year after Council 82 served as the as the guards union for 30 years.

On Wednesday, the Correction and Law Enforcement Union announced the start of a petition drive calling for the desertification of NYSCOPBA and for CLEU to take over that union's bargaining responsibilities. Signatures by at least 30 percent of the union's membership are needed to force a desertification vote.

"CLEU is not even recognized as a union," NYSCOPBA spokesman Dennis Fitzpatrick said. "It's a name

put out there, but it's really Council 82. A wolf in sheep's clothing."

"They are trying to dupe membership," he added. "It's their way of rechallenging NYSCOPBA."

Russell Clemens, deputy administrator of Council 82, said CLEU is not a front for Council 82.

"This is not our way of rechallenging NYSCOPBA," Clemens said.

This is a grass-roots movement, period," said CLEU president Bob White. "There is no money, nobody behind this except the officers of CLEU."

In April 1999, upstart NYSCOPBA won an election to replace Council 82 as bargainer for state correction officers, SUNY police officers and state parks police officers. On the day of the vote, two brooms were propped up against a wall in the Empire State Plaza in Albany where votes were counted bearing signs saying "Swept clean" and "Good riddance to bad rubbish."

Council 82 retained the supervisors for state park police, SUNY police, correction lieutenants and some other security supervisors.

Council 82 had been criticized for accepting contracts patterned after larger state employee unions like the Civil Service Employees Association without taking into account the on-the-job dangers facing correction officers and other state security officers.

Members also complained about the more than \$2 million in Council 82 dues that were taken each year by its parent union, the American Federation of State, County and Municipal Employees. Council 82 also suffered from scandal in 1995 AFSCME stepped in to run the day-to-day operations of the union after top officials were found to have used official funds for trips, meals and other personal expenses.

NYSCOPBA, independent from AFSCME, won over most of Council 82's membership with promises to reject "pattern bargaining," but some disgruntled members claim that pledge has gone unfulfilled.

They say the tentative agreement reached by NYSCOPBA in May is too similar to the contract agreed upon by CSEA in March.

The schedule of pay raises in that proposed contract is the same as in the CSEA contract, but adds law enforcement differentials that grow from \$125 a year to \$575 over time.

On May 30, union representatives from 11 prisons met to discuss the tentative contract. Following the meeting, NYSCOPBA's president, Brian Shanagher, sent memos to chief sector stewards announcing the firing of four people who served as liaisons between regional vice presidents and union officials at individual prisons.

Shanagher said the four had been spreading "negative and inaccurate information about the tentative agreement," which exposed the union to sanctions under state law
