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Medium-security N.Y. prisons gaining towers

From: bergen.com 07/05/00
Wednesday, July 5, 2000

By JOEL STASHENKO
The Associated Press

ALBANY, N.Y. -- Hastened in part by a 1997 melee, New York is erecting observation towers at 27 medium-security state prisons as a means of keeping a better eye on inmates and prison grounds.

Eleven of the 31-foot-high towers are already in place.

Most of the towers will be built by the prison system's inmate construction business, called Corcraft.

It will cost about \$2.5 million to erect the towers, according to state prison estimates.

State Corrections Commissioner Glenn Goord said the towers will make things safer for both inmates and prison staff.

All maximum-security prisons in the state already have surveillance towers, and Goord said an incident this year at Attica showed their value.

On April 17, a tower guard saw a group of about six Latino inmates approach a similar number of black inmates who were lifting weights. The guard saw one of the black inmates take out what looked like a knife and the corrections officer radioed to the four officers in the yard at the time, who moved in to disarm the inmate and prevent what could have developed into a melee.

"It was the officer in the tower who saw an incident developing before the officers in the yard did," prison system spokesman James Flateau said.

For years, prison officials have been thinking of bolstering security with the towers. In the early Nineties, it became clear that possible security flaws were developing at medium-security prisons built primarily during the Cuomo administration, Flateau said Monday.

"Those mediums, what we call the 'cookie-cutters,' they were originally designed for 500 inmates," Flateau said. "Then it became 750. Then we double-bunked them. Then we added annexes. They have ended up housing a considerably larger number than they were originally designed for."

The July 18, 1997, disturbance at an outside yard at the sprawling Mohawk prison near Utica reinforced the need for the towers, Flateau said. Ten guards were injured during an incident that began as a fight among inmates and escalated to a disturbance involving 300 prisoners in an outside yard.

More than 300 corrections officers were called in to help quell the disturbance.

The melee prompted a review of security procedures at all medium-security state prisons, officials said.

Towers are already in place at the following medium-security state prisons: Marcy, Orleans, Livingston, Cape Vincent, Riverview, Gouverneur, Watertown, Gowanda, and Collins.

Over the next year, they will either be completed or constructed at Mohawk, Oneida, Cayuga, Altona, Mount McGregor, Washington, Ulster, Mid-Orange, Otisville, Taconic, Woodbourne, Groveland, Mid-State, Ogdensburg, Fishkill, Adirondack, Lakeview, and Albion.

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Death of NY Inmates May Prompt Change

From: newsday.com 07/06/00

by JOEL STASHENKO
Associated Press Writer

ALBANY, N.Y. (AP) - The deaths of two inmates under strikingly similar circumstances could prompt changes in guard training and how prisoners are restrained throughout New York state prisons, especially

for mentally ill inmates.

Independent reports on the two deaths, before state Corrections Commissioner Glenn Goord since last month, each recommend revisions of prison procedures.

From Dutchess County came a grand jury report on the death of inmate Hardat Persaud on Nov. 16, 1999, at Fishkill state prison in Beacon. From Franklin County came a relatively unusual district attorney's report, from local prosecutor Andrew Schrader, on the death of inmate William Dean on Christmas Day 1999 at Franklin state prison in Malone.

In both cases, the inmates had mental problems. Persaud was a schizophrenic and Dean was experiencing a psychotic episode at the time of his death.

Both men died after being subdued by corrections officers - as many as eight for the 300-pound Dean and up to five in Persaud's case. Grand juries in each case determined guards were not criminally responsible for the deaths.

Both men died of "positional asphyxiation" suffered when the inmates were forced to lie on their stomachs while at least one guard applied pressure - apparently enough to fatally inhibit breathing - to the prisoners' backs.

Finally, a grand jury in Dutchess County and District Attorney Schrader in northern New York concluded the inmates' deaths suggested weaknesses in guards' training and on-the-beat procedures.

"When you study Mr. Dean's death you see there were inadequacies in the way the situation was handled," said Schrader, who had repeatedly viewed a surveillance camera video tape of the incident. "It really boils down to - I thought it boiled down to - a lack of training."

Schrader said guards who subdued Dean at the medium-security Franklin state prison were not experienced in "cell extraction" because, except for the special housing unit of the prison where he was confined at the time, inmates sleep in dormitory-style settings.

Dean, who had landed in the special housing unit after punching a guard earlier on Christmas Day, was restrained by guards while a nurse gave him injections of anti-psychotic drugs. Guards were under the mistaken impression that the drugs would calm Dean down, Schrader said.

In the meantime, guards pinned Dean chest-first to the floor from behind and waited for the drugs to take effect. When Dean did "calm down," Schrader said, it probably meant he had passed out from lack of oxygen and was on his way to smothering.

In both instances, guards only realized there were serious problems after inmates had become unconscious, according to descriptions of their deaths in the Malone Telegram and the Poughkeepsie Journal.

"It was clear to me from looking at it (the video) that these fellows were acting in good faith," Schrader said of Dean's death. "There were some jerky little moves by guards, but nothing that was ultimately serious ... They weren't trying to hurt this fellow."

Schrader said he recommended that Goord review how guards are trained about restraint techniques. There were state Department of Correctional Services memos about the potential dangers of handcuffing

someone behind their backs and leaving them on their stomachs, but the information available to guards "didn't go far enough," the district attorney said.

"I don't know about you, but I never knew or thought that if you take a big person and put them on their belly and keep them there, you can kill them," he said.

The prosecutor also told Goord that guards may need more training to recognize severe psychological problems in inmates and how to safely handle them.

The Dutchess County grand jury concluded that guards needed better training in safe-restraint techniques and when to call for medical help.

State prison spokesman James Flateau said the dangers of "positional asphyxiation" are taught at the prison guards' academy in Albany, but that Goord is "absolutely" open to improvements in restraint procedures and to other recommendations before him.

"Glenn hasn't made any hard-and-fast decision on that," Flateau said. "Basically, we have to balance the medical procedures with the security ones."

Robert Gangi, head of the prison watchdog state Correctional Association, said the reports suggest that Dean and Persaud "died unnecessarily" and that there is a "serious burden weighing on the state to take steps to avoid these kinds of incidents in the future."

Gangi said his group frequently talks to guards who freely acknowledge their own "inadequacies" in dealing with mentally ill inmates. Other prisoners fear them just as much as prison staffers, if not more, he said.

"I don't particularly blame the corrections officers," Gangi said. "I don't particularly blame the system. They are being put into an almost impossible situation where they are being asked to handle people with serious mental problems and people who act out violently ... They have this excessive and unreasonable burden of handling, confining and treating thousands of mentally ill people."

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500-plus inmates caught in 1971 Attica uprising seek share of compensation

By Associated Press, 7/8/2000 13:18

ROCHESTER, N.Y. (AP) More than 500 inmates caught in the deadly 1971 Attica uprising have come forward to seek a share of the \$8 million in compensation offered by New York state.

The legal deadline ran out Friday for claims by inmates who maintain they were tortured, beaten and denied medical treatment in the aftermath of the revolt and the bloody efforts by authorities to put it down.

State police launched an all-out assault on the maximum-security Attica Correctional Facility near Buffalo on Sept. 13, 1971, the fifth day of the uprising. In all, 32 inmates and 11 guards died, most of them killed during the raid, and hundreds more were wounded.

The U.S. District Court here said 518 claims had been filed by Friday afternoon but more mailed with Friday postmarks were expected to filter in. "My estimate is, when the dust settles, it will be over 550," said Elizabeth Fink, the chief lawyer for the former inmates.

Of the 1,281 inmates who were in prison yard "D" when police stormed the prison, hundreds have since died. By year's end, the judge will divide up the money between the claimants most of them former inmates in their 50s or older.

Dozens of former inmates testified in the federal court about their harrowing experiences in the hours after the prison was recaptured. Inmates were forced to run naked through a gantlet of law enforcement officers who hit them with clubs and nightsticks.

"It's a cathartic experience for them to be treated with respect after all these years of bottling it up," Fink said in Saturday's Rochester Democrat and Chronicle.

In agreeing to settle, the state admitted no wrongdoing and agreed to pay the inmates \$8 million and their lawyers \$4 million in legal fees and costs. The original class-action lawsuit in 1974 sought \$100 million in damages.

In May, widows and children of guards slain in the uprising asked lawmakers in Albany to help them win an apology from the state and a more comprehensive compensation package.

Surviving hostages and widows did receive some state benefits, but many of them claim they were never told they forfeited their right to sue for damages by cashing their benefit checks

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Cost-of-living hikes to become permanent

From: timesunion.com 07/11/00

Albany -- Pataki expected to sign bill today on retirees' COLA increases

Gov. George Pataki today is scheduled to sign into law one of the most significant pieces of public employee legislation in recent years -- a permanent cost-of-living increase for retirees.

Pataki and other officials are set to gather outdoors on the Empire State Plaza for the signing of the bill, approved earlier in the session by the Senate and Assembly.

The measure, which fully takes effect in September 2001, affects an estimated 890,000 working and retired school, state and local government employees in the state's and New York City's retirement systems.

For retirees, it means in some cases significant increases -- as much as 42 percent in one example state Comptroller H. Carl McCall's office outlined -- under a provision allowing people living for years on smaller pensions to do some catching up with inflation as early as this September.

The signing is cause for "breathing a sigh of well-earned relief" among retirees who have fought nearly a decade to persuade the state to do something about stagnant pensions, said Denyce Duncan-Lacy,

spokeswoman for the Public Employees Federation.

Many once sought state employment specifically for the benefits, only to have found over the years that their pensions, based on what today would be considered meager salaries, eroded under inflation.

"This is very important; we have maintained the position for years that our members have earned the right to retirement with dignity and calm," Duncan-Lacy said.

The state was ripe for pension benefit improvements this year, with New York's retirement fund, riding Wall Street's bull market, soaring in value from \$56.4 billion in 1993 to \$126.9 billion as of March. Already, governments have been able to stop paying into the system, and McCall, weighing a run for governor in 2002, was among those pushing the COLA.

"The pension fund's strong returns have made it affordable to provide New Yorkers in public service with the benefits they need and deserve, while saving taxpayers more than one billion dollars over the last four years," said McCall.

The boom has at times swung the other way -- a recent analysis by the Alexandria, Va.-based National Taxpayers Union found that New York's retirement system this spring lost an estimated \$10.7 billion in value, largely because of a plunge in Microsoft stock.

There was no immediate estimate of the total cost to the state, but McCall, sole trustee of the state retirement system, maintains the fund is self-sufficient and that such setbacks are not a long-term concern.

"One of his main tenets in negotiating this thing was that it be affordable" to both the state and retirees, said McCall spokesman Jeffrey Gordon.

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Union rejects contract proposal

From: timesunion.com 07/12/00

Albany -- Unit representing state's correction officers votes down package similar to those other unions have approved

A contract similar to those embraced by all other state unions failed Tuesday after a vote by the unit representing New York's 24,000 correction officers.

The state and the New York State Correctional Officers and Police Benevolent Association may have to return to the bargaining table or declare impasse. The last of the state's unions without agreement on a contract, NYSCOPBA also faces substantial turmoil within its ranks.

The contract failed 10,960-9,746 in a ballot count by the American Arbitration Association.

Some prison officers for weeks have complained about the proposed contract worked out by their leaders. Dissidents said the contract fell far short of the lofty raises and benefits NYSCOPBA founders pledged to achieve when they campaigned to unseat the former union, Council 82, which was decertified last year.

A drive to replace NYSCOPBA with a new union began shortly after the abrupt end to a heated closed-door meeting of union leaders and rank-and-file members last month in Albany.

That meeting broke up after elected leaders declared the proceedings had gotten too unruly. At the session, unrest about the contract boiled over, according to some in attendance.

Linda Angello, director of the Governor's Office of Employee Relations, was surprised by the vote. She had predicted narrow passage of the contract. She said she could not say what the next step will be in the bargaining process.

Union president Brian Shanagher issued a statement saying: "The members have spoken. It is time to go back to work on a contract that recognizes the essential services (union) members provide for the people of this state."

The contract would have provided 13 percent wage increases over four years and was based on the same pacts ratified by other state employee unions. The contract would have also come with a \$500 signing bonus provided other unions. The downstate salary adjustment would have risen to \$1,000 from \$823 in April 2000 and to \$1,100 in April 2001 and \$1,200 in April 2002.

Also under the rejected deal, members using six or fewer days of sick leave during fiscal year 2001-02 and 2002-03 would have been eligible for bonuses.

The contract was particularly opposed by western New York members. "Am I happy, yeah," said John Bielowicz, chief steward at Auburn Correctional Facility. "Do I still believe in NYSCOPBA? Yeah, 100 percent; I believe we need some changes within the union."

He said members were particularly concerned that they would be charged for prescriptions and they feared premiums could rise.

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Pension boosts to be tied to CPI as Pataki signs bill

From: buffnews.com 07/12/00

ALBANY - Permanent, automatic cost-of-living adjustments were established for retirees of state and local governments throughout New York Tuesday under a bill signed into law by Gov. George E. Pataki.

"(The adjustments) change the pension system for our retirees in the most profound way, certainly in a generation," Pataki said at the bill-signing ceremony outside the state Capitol. "It's long overdue and it's appropriate."

The new law institutes annual pension boosts that are tied to increases in the Consumer Price Index. The amount will be half the rate of inflation on the first \$18,000 of a person's pension, with a minimum annual increase of 1 percent and a maximum of 3 percent.

Former public workers who have been retired the longest and who receive the smallest pensions will get the biggest proportional increases first.

Beginning this September, a "catch-up" adjustment will be applied to current retirees. Their pensions will

increase to cover at least 50 percent of inflation from the date of retirement through 1997.

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State prison guards' union rejects proposed contract

From: dailygazette.com 07/12/00

ALBANY - The union representing more than 24,000 state prison guards Tuesday rejected a proposed four-year contract with the Pataki administration.

Members of the New York State Correctional Officers and Police Benevolent Association (NYSCOPBA) voted down the contract, 10,960 to 9,746. Guards have been working without a contract since April 1, 1999.

In May, union officials and the state had tentatively agreed on a contract to provide a 3 percent salary increase retroactive to October 1999, 3 percent increase effective April 2000 and 3.5 percent raises in both April 2001 and April 2002.

"We're disappointed," said Mary Hines, spokeswoman for Pataki's Office of Employee Relations. "We believe that it was a fair and equitable contract."

NYSCOPBA officials could not be immediately reached for comment.

Contract ratification would have also meant a \$500 lump sum payment for the guards. The downstate salary adjustment would have gone from \$823 to \$1,000 in April 2000, \$1,100 in April 2001 and \$1,200 in April 2002.

Also under the rejected deal was the establishment of a pilot program encouraging more time on the job. Guards with six or fewer days of sick leave used during fiscal year 2001-02 and 2002-03 would have been eligible for bonus payments.

Hines said several options are now available, including returning to negotiations or renewing mediation. It is also possible that an impasse be declared and both sides move to the fact-finding process, in which a mediator holds a hearing and then makes a recommendation for a settlement, she said.

"We intend to speak with the union and find out what the issues are and at that point formulate a strategy," Hines said.

The guards' last contract was negotiated by a different union, Council 82 of AFSCME, which was usurped by NYSCOPBA in 1999 as the guards' bargaining agent. NYSCOPBA itself now finds itself in a tussle with a group of insurgents which wants to oust the new union.

NYSCOPBA is one of the last unions with which the state is still seeking to reach a new contract.

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State prison guards narrowly reject contract offer

From: syracuse.com 07/12/00

Prison guards reject contract

By Jon Hand

State corrections officers Tuesday narrowly defeated a contract negotiated by their union and the state.

"I couldn't be happier," said Thomas M. Mulhern, chief union steward at Cayuga Correctional Facility in Moravia, who encouraged local officers to turn down the contract. "I wish it was defeated by a larger margin, but I think part of the reason it was a close vote is because (state-level union leaders) only pushed the positives."

Union members turned down the four-year contract 10,960 to 9,746 with more than 85 percent of the union voting. Sticking points included dissatisfaction with the proposed pay and the benefits package offered, particularly the drug prescription plan.

"Our membership has been very motivated and very involved in this process. This energized our membership. Expectations were very high," Mulhern said regarding the high voter participation.

The state and the New York State Corrections Officers Police Benevolent Association reached agreement in May on the tentative contract, which offered a salary increase totaling 13 percent over four years and a \$500 lump-sum bonus.

Members have worked without a contract since April 1, 1999, but the 3 percent salary increase for 1999 would be retroactive to Oct. 1.

Mulhern and union leaders at Auburn Correctional Facility said the contract did not include an increase that would have brought them in line with corrections officers in other states.

In California, for example, the starting salary for a corrections officer is about \$34,000. Locally, it is \$26,000, Mulhern said.

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Prison guards reject contract offer

From: uticaod.com 07/12/00

By YANCEY ROY and MARGARET COSTELLO
O-D Albany Bureau

ALBANY - State prison guards narrowly rejected a four-year contract proposal Tuesday, forcing the governor's office to return to the bargaining table.

With more than 80 percent of union members casting votes, the contract was defeated 10,960 to 9,746.

The contract had called for annual raises of 3 percent to 3.5 percent. Some union members said that it

didn't significantly differ from a contract with the Civil Service Employees Association, the state's largest public-employee union, and it didn't recognize the dangerous nature of the job.

"I'm extremely pleased with the vote," said Garrett Conover, chief steward of the Elmira Correctional Facility. "We want a law enforcement contract. We want to break pattern bargaining. We don't want to give back our medical coverage."

Others echoed concerns about increased co-payments on medical insurance.

In contrast, Mary Hines, spokeswoman for the governor's Office of Employee Relations said: "We're disappointed because we believed it was a fair and equitable contract."

Gov. George Pataki and leaders of the 24,000-member New York State Correctional Officers and Police Benevolent Association reached a tentative deal in May. Along with the pay increases, it included a \$1,000 bonus for serving 20 years, a bonus for not using sick days and an expansion of some dental and vision benefits.

Now, the two sides could begin negotiations again or return to using a professional mediator - which is where talks were when the tentative bargain was struck, Hines said. "We are waiting to hear from the union" why the contract was rejected, she said.

Union president Brian Shanagher issued a brief statement, saying: "The members have spoken. It is time to go back to work on a contract that recognizes the essential services (union) members provide for the people of this state."

Guards switched to NYSCOPBA from their old union, Council 82, last year because they felt Council 82 was basing contract agreements too closely on other unions. Many members said the agreements didn't reflect the dangerous nature of the job.

At the same time, NYSCOPBA officials are fighting off a challenge from a new union, the Correction and Law Enforcement Union, to represent prison guards.

Oneida County has four state prisons: Marcy and Midstate in Marcy and Oneida and Mohawk in Rome.

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State prison guards' union rejects proposed contract

ALBANY - The union representing more than 24,000 state prison guards Tuesday rejected a proposed four-year contract with the Pataki administration.

Members of the New York State Correctional Officers and Police Benevolent Association (NYSCOPBA) voted down the contract, 10,960 to 9,746. Guards have been working without a contract since April 1, 1999.

In May, union officials and the state had tentatively agreed on a contract to provide a 3 percent salary increase retroactive to October 1999, 3 percent increase effective April 2000 and 3.5 percent raises in both April 2001 and April 2002.

"We're disappointed," said Mary Hines, spokeswoman for Pataki's Office of Employee Relations. "We

believe that it was a fair and equitable contract."

NYSCOPBA officials could not be immediately reached for comment.

Contract ratification would have also meant a \$500 lump sum payment for the guards. The downstate salary adjustment would have gone from \$823 to \$1,000 in April 2000, \$1,100 in April 2001 and \$1,200 in April 2002.

Also under the rejected deal was the establishment of a pilot program encouraging more time on the job. Guards with six or fewer days of sick leave used during fiscal year 2001-02 and 2002-03 would have been eligible for bonus payments.

Hines said several options are now available, including returning to negotiations or renewing mediation. It is also possible that an impasse be declared and both sides move to the fact-finding process, in which a mediator holds a hearing and then makes a recommendation for a settlement, she said.

"We intend to speak with the union and find out what the issues are and at that point formulate a strategy," Hines said.

The guards' last contract was negotiated by a different union, Council 82 of AFSCME, which was usurped by NYSCOPBA in 1999 as the guards' bargaining agent. NYSCOPBA itself now finds itself in a tussle with a group of insurgents which wants to oust the new union.

NYSCOPBA is one of the last unions with which the state is still seeking to reach a new contract.

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Correction officers nix contract

7/12/00

By MARGARET COSTELLO
Star-Gazette

New York officials and the union representing correction officers will return to the bargaining table after union members rejected a four-year contract proposal on Tuesday by a slim margin.

Members of the the New York State Correctional Officers and Police Benevolent Association shot down the proposal, claiming it differs little from the contract reached with the Civil Service Employees Association and does not reflect the dangers correction officers face every day.

"I'm extremely pleased with the vote," said Garrett Conover, chief steward at Elmira Correctional Facility.

"We want a law enforcement contract. We want to break pattern bargaining. We don't want to give back our medical coverage."

Roughly 53 percent of voting union members -- or 10,960 -- cast their ballots against the contract that called for annual raises of 3 percent to 3.5 percent, plus some modifications to benefits.

"The members have spoken," said Brian Shanagher, union president. "It is time to go back to work on a contract that recognizes the essential services NYSCOPBA members provide for the people of this state."

The union represents 25,000 correction officers, police officers, security personnel and institution safety officers in the state, including 825 officers at Monterey Shock Incarceration, Elmira and Southport correctional facilities. The previous contract expired 14 months ago.

The American Arbitration Association administered the vote after the union and the state reached a tentative agreement in mid-May. On Tuesday, the association counted the 20,706 ballots in New York City.

"We're disappointed because we believe it was a fair and equitable contract," said Mary Hines, a spokeswoman for the Governor's Office of Employee Relations.

Hines said the state is waiting to hear from the union to determine whether both sides will continue in the mediation process or start negotiations from scratch.

The union will have to outline what issues made the contract unacceptable, Hines said.

Kevin Thatcher, a correction officer and union steward at Elmira Correctional Facility, said most of the officers who voted against the contract did so because of the medical coverage cuts.

"Right now, a lot of doctors won't accept our insurance," Thatcher said. "And now the state is trying to increase our co-pays."

The contract was appealing to many of the senior officers, who would receive a \$1,000 bonus after 20 years and would benefit from an early retirement incentive, Thatcher said.

Officers said the proposed contract did 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.

While the proposal would continue medical coverage during the suspension -- a benefit not previously offered -- it did not address the issue of continuing pay, Thatcher said.

"In essence, the state is saying we're guilty until proven innocent," Thatcher said. "Even the inmates have more rights."

Thatcher and Conover said the vote will give the new union a second chance to prove it can bring back a fitting law enforcement contract.

The current union ousted its predecessor, Council 82, for failing to secure a contract reflective of the imminent dangers faced by correction officers.

A few weeks ago, some correction officers began circulating a petition challenging the officers' current bargaining unit.

So far, organizers for a new state correction officers union have not collected enough signatures -- they need 30 percent of the union membership -- to force a decertification vote.

"We need to unify ourselves," Thatcher said. "I think the leadership is trying to correct some of the problems we've had."

"The members have been very vocal about what we want. It's all in the state's hands now."

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Governor boosts pensions, mends fences

Albany -- With contract dispute over, unions laud signing of COLA bill

On the same ground where state workers in January heckled him as he delivered his State of the State address, Gov. George Pataki Tuesday signed two landmark bills giving public employees and retirees hundreds of millions of dollars worth of new benefits.

A bitter contract fight behind them, Pataki, joined by Democratic and Republican legislators, shared an outdoor stage at the Empire State Plaza with union leaders as both sides shook hands and offered thanks and words of mutual respect. Pataki remarked on the contrast in relations as he accepted a red Civil Service Employees Association T-shirt from the union's president, Danny Donohue.

"There are a lot of you who didn't think that six months later I would be delighted to see all these CSEA members with their T-shirts and holding up signs in the audience," said Pataki, who went on to recall how his eighth-grade Earth science teacher, Paul Hewel, was among those who would regularly visit him and talk about the challenge of living on a pension of less than \$3,000 a year.

"It was wrong, that someone who gave me the education so that I could become the governor of this state could not live on a pension he had earned after decades of teaching," said Pataki. "It was wrong, it was immoral, and we worked hard to change it and today, finally, that injustice is being righted."

The event at times had the feel of a union rally or revival meeting. Retired nurse's aide Eileen Steele, 68, of New York City, interrupted a few speeches with shouts of "thank you" and even one "praise Jesus" as Pataki spoke. Although her pension, at about \$18,000 a year, is above the state averages of \$10,000 to \$15,000, "I need every penny and it's about time," she said.

Pataki signed into law several key changes in the pension system that had been approved by the Legislature this year.

First was a permanent cost-of-living adjustment, which will provide retirees annual increases. Previously, retirees -- some of them trying to live on pensions based on salaries dating back to the 1960s and 1970s -- had to lobby the Legislature for periodic increases.

The COLA will be based on 50 percent of the consumer price index, with increases of no less than 1 percent and no more than 3 percent annually, and apply to the first \$18,000 of a person's pension.

"They can start to rely on something which will make it possible to plan their lives, to stay in their own home, to maintain their independence and to retain (their) dignity," said Cynthia Wilson, president of the Retired Public Employees Association, an 81,000-member group that had been seeking a COLA for more than 30 years.

Wilson said the provision came as a result of "grass-roots democracy" -- members of the all-volunteer group calling, writing or visiting legislators to push their cause.

"We don't have a big, wealthy organization; we're not big lobbyists," she said. "It's that personal contact, because the legislator says, uh-oh, this is my constituent."

The COLA includes a "catch-up" provision that will increase older retirees' pensions this September, with the annual increases beginning a year later for all retirees. The cost of the COLA is estimated at \$260 million a year, according to Peter Gordon, spokesman for Comptroller H. Carl McCall.

McCall, the sole trustee of the state retirement system, said the phenomenal growth in recent years -- from \$56.4 billion in 1993 to \$126.9 billion this year -- has left the fund able to absorb the cost of the COLA and other benefits negotiated this year.

Those benefits include a provision to allow employees now in the so-called Tiers 3 and 4 of the retirement system to end their contributions of 3 percent of their salaries. The contribution will be eliminated once people have 10 years of service.

Additionally, employees hired before July 1976 will receive a retirement credit of one month for every year worked, up to two years.

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Correction union busy reworking contract

From: th-record.com 07/13/00

ALBANY: Union officials wonder what's next after a correction officers' contract deal was rejected.

By Matt Smith
Ottaway News Service
msottaway@aol.com

A day after correction officers narrowly rejected a four-year contract deal from the Pataki administration, union officials yesterday spent the day discussing their next move.

By just 1,214 votes, the New York State Correction Officers and Police Benevolent Association, which represents 24,000 prison guards, turned down the state proposal. The offer would have given officers a 13 percent pay hike over the life of the pact, which was retroactive to October 1999.

The defeat was a particularly rough one for NYSCOPBA leaders, who in April 1999 wrestled control of the union away from Council 82, which had represented guards for several years but had been damaged by a scandal involving a misuse of funds.

Attempts to reach NYSCOPBA officials were unsuccessful yesterday, but in a statement, the union president, Orange County resident Brian Shanagher, said: "The members have spoken. It is time to go back to work on a contract that recognizes the essential services (union) members provide for the people of this state."

Union stewards in the Hudson Valley, North Country and Western New York have told Ottaway News Service that members opposed to the contract were frustrated because the deal did not include the same

type of job-security protections enjoyed by police and firefighters.

For example, correction officers could be suspended without pay prior to being found guilty of wrongdoing. Many union members claim that's unconstitutional. Opponents of the administration's offer also were bothered by increases in co-pays to their medical and prescription plans and claimed the contract did not do enough to address on-the-job safety.

The administration's offer deeply divided the new union, as many stewards and rank-and-file members expressed anger with NYSCOPBA leaders for failing to deliver on their promise to win a deal that offered greater job-security provisions.

Shanagher, meanwhile, fired four NYSCOPBA business agents on June 2, claiming they spread "negative and inaccurate information" about the tentative deal.

Mary Hines, spokeswoman for the state Office of Employee Relations, declined comment when asked whether the Pataki administration had reservations about providing officers with the job-security provisions they sought. Because the contract was not ratified, Hines said she could not discuss specific details.

Union and state officials, she said, will now either resume negotiations or enter a fact-finding process.

Guards, who defeated the offer by a vote of 10,960 to 9,746, have been working without a contract since April 1999.

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STATE MOVES TO FACT FINDING WITH NYSCOPBA

NEW YORK STATE
GOVERNOR'S OFFICE OF EMPLOYEE RELATIONS
LINDA ANGELLO, DIRECTOR

<http://www.goer.state.ny.us>

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FOR RELEASE: IMMEDIATE, Friday July 14, 2000

STATE MOVES TO FACT FINDING WITH NYSCOPBA

The Director of The Governor's Office of Employee Relations and the State's Chief Negotiator, Linda Angello, announced today that the State has formally declared fact finding with PERB in its impasse with New York State Correctional Officers & Police Benevolent Association, Inc. (NYSCOPBA). NYSCOPBA represents 24,000 correctional officers, state security personnel and institution safety officers.

The State's response came after the NYSCOPBA membership failed to ratify their tentative agreement on July 11th which provided for salary increases totaling over 13 percent over the next four years, plus other payments and benefits.

"The union has indicated that the issue with the contract is health insurance. I want to be clear that the State has no more to offer in this area or in other compensation areas," said GOER Director Linda Angello. "Our lowest paid employees have accepted their responsibility to contribute toward prescription drug coverage and it its only reasonable to expect NYSCOPBA members to pay their share as well. "

The State and NYSCOPBA reached tentative agreement on May 18, 2000 through the mediation process. Director Angello filed a declaration of fact finding with the State Public Employee Relations Board today. The Board will now select a panel of three neutrals and establish a hearing schedule.

"We thank all those involved in the mediation process. The law provides for the next step and I believe it is appropriate to move on to fact finding now." stated Linda Angello.

Since there is no contract in place, members of the Security Services Unit represented by NYSCOPBA will not receive the same retirement benefits or salary increases as other State employees who have agreements in place.

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Guards, state still at an impasse

From: buffalonews.com 07/15/00

ALBANY (AP) - The state moved to fact-finding Friday in its impasse in contract negotiations with the union representing more than 24,000 state prison guards.

The announcement came after members of the New York State Correctional Officers and Police Benevolent Association (NYSCOPBA) voted down a proposed four-year contract with the Pataki administration on Tuesday.

One of the key sticking points was the members' dissatisfaction with the contract's health insurance provisions, union spokesman Dennis Fitzpatrick said. Under the proposal, union members, who have not made payments toward prescription drug coverage, would have to do so.

In fact-finding, the third step of a four-step process under the Taylor Law, the mediator holds hearings and then makes a recommendation for a settlement. If the impasse persists after fact-finding, both sides would proceed to conciliation - mediation assistance offered by the Public Employment Relations Board.

The rejected contract, retroactive to 1999, would have provided raises totaling 13 percent through 2002.

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S8142 Retirement Enhancements Verified

7/15/00

I spent last night writing E-Mails to the Governor my Senator my Assemblyman the State Comptroller concerning this bill which was signed in to law July 11, 2000 by Governor George Pataki.

Today I spent on the telephone with the State Comptrollers Office State Senator Michael Nozzolio and Assemblyman Gary D. Finch 126th District.

It was verified First by Deputy Comptroller Jeff Swain's Office (518)474-2600 Secondly by State Senator Michael Nozzolio's Office 1-888-568-9816 and Finally by Assemblyman Gary D. Finch 126th District (315)255-3045.

The Office of Jeff Swain informed me that if I had the bill in front of me to go to Article 19 Benefit Enhancements Section 901 4 B which reads An election to provide benefit enhancements pursuant to subdivision A of this section may be made applicable to all employees of a state employer or to all employees who are represented by a specific collective bargaining organization, recognized or certified pursuant to article fourteen of the civil service law, and/or to all employees who are not represented for the purposes of collective bargaining subject to the limitation provided in section nine hundred two of this article.

Basically it was explained to me that Governor Pataki has to Certify each Bargaining Unit in order for them to receive these enhancements. It was further explained to me that the Governor has made it perfectly clear to the Comptrollers Office that he will not Certify any Bargaining Unit that does not ratify their contract. Finally they told me that due to N.Y.S.C.O.P.B.A. not ratifying their tentative agreement that the Governor had not Certified our Bargaining Unit.

These facts were then verified by State Senator Michael Nozzolio and later by Assemblyman of the 126th District Gary D. Finch. Senator Nozzolio explained that they had to move on this Bill when it was submitted and that the Governor had insisted on this being part of this bill. He did say that he will contact the Governor's Office and voice our disapproval of this legalized extortion.

Myself and Chief Steward John (Bucky) Bielowicz informed the Senator that the Officers at Auburn Correctional Facility are talking about picketing his Office as well as his Home we further stated that the Officers at Auburn are thinking of starting a campaign to elect Hillary Clinton as our next U.S. Senator. We informed him that we were not about to support Pataki's lackey Laizio. The Senator was quite upset over our proposals and vowed to carry our message to Governor Pataki. He further requested that we give him a list of Items that were not acceptable in our tentative agreement which he vowed to take personally to the Governor.

So come on guy's give me a list to give the Senator !!!!!

What I don't understand is how a Correctional Officer with not a GED but with a regular High School Regents Diploma can accomplish to get this information in less than 24Hrs. and a Law Firm that we are paying 2.5 Million Dollars didn't have this information or if they did and shared it with our N.Y.S.C.O.P.B.A. Leaders why was it not shared with the membership. I'm not talking about a letter stating if we don't ratify this contract then there's a chance we won't get the enhancements. N.Y.S.C.O.P.B.A. is so good at mailing those god damm letters what was wrong with a mailing to each and every member explaining how the Governor is extorting us.

Finally where is our P.R. Man How about full page adds in newspapers across the state telling how Governor George Pataki is Legally Extorting the Correction Officers of the State of New York.

Brothers & Sisters it is time to call your Senators and Assemblyman concerning Bill S8142 and tell them you are not happy with the fact that Governor Pataki is Legally Extorting you to ratify a Contract that is

not acceptable. Tell them we want a Law Enforcement Contract that begins April 1st 1999.

It's time to turn up the HEAT on these Politicians.

Michael B.O'Sullivan
Auburn Correctional Facility

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Lightning Strikes Twice!!

Fellow Netters:

If I might intrude upon the dissention for a moment, I thought there might be a few people out there interested in some late-breaking and positive news.

On July 5, 2000 a personal quest ended successfully, when Arbitrator Peter Prosper handed down his decision in a contract arbitration on the subject of re-posting turned in and/or unbid leave time. The case originated from Otisville Correctional Facility, where officers had sought the right to the re-posting of their time under the ruling in a previous arbitration from Coxsackie Correctional Facility in 1998-9. Their request was refused (as it had been in numerous facilities around the state) when GOER and DOCS clung to the interpretation of the Coxsackie case that held reposting was restored there because of a pre-existing labor/management agreement that management had illegally broken. The result was no other facility shared in Coxsackie's benefit.

This was a complete miscarriage of justice. A careful reading of the Coxsackie decision reveals Arbitrator Prosper found "the practice" was the central issue, not "the pre-existing agreement". When he restored the agreement in Coxsackie he did so solely because it was the method of distribution for the re-posted leave mutually acceptable to labor and management. The case was won by totally dismantling the leave distribution system employed by DOCS at Coxsackie and proving its inherent unfairness constituted "unreasonable denial" and as such, violative of Article 14.1(d) of the collective bargaining agreement. In essence, DOCS was hung with their own rope! It was their own numbers that carried the day for the union.

The same numerical case was employed for Otisville. After several months of research and obtaining the required statistical data needed the re-create the Coxsackie argument for Otisville, NYSCOPBA proceeded to arbitration April 10, 2000. DOCS went kicking and screaming. For months they hindered every legitimate documentary request. In several cases, the material was obtained (at 25 cents a page) under the Freedom of Information Act. These were the best quarters ever spent! Numerically, the case was a slam dunk.

The only remaining question was whether or not the absence of a prior practice or a labor/management agreement to re-post leave time in Otisville constituted grounds for the state to refuse the practice. They argued the benefit could only be negotiated and that was not contractually guaranteed. They also argued it was outside the arbitrator's "authority" to impose re-posting. Arbitrator Prosper made two rulings. In particularly clear and uncertain language (he he), Mr. Prosper said it was well within his authority to decide the issue and that, in fact he was deciding the issue--in the NYSCOPBA's favor!! The practice of failing to re-post turned in and or unbid leave time was UNREASONABLE DENIAL and violated

Article 14.1(d) of the collective bargaining agreement!!

Now is the time for every sector in the land where re-posting leave is refused to pay a visit to their Superintendent!! Wherever resistance is met, grievances should be immediately filed citing Article 14.1(d). DOCS hasn't indicated an official response to the decision yet (although I hear rumors about a truckload of antacid tablets being ordered at Building 2), but by putting the grievances in the pipeline, the timeframe to implementation at your facility can be greatly shortened.

To give you an idea what this means, in the first year of re-posting in Coxsackie following their win, officers got 8,200 more hours of leave (1025 days) than they did the preceding year. It resulted in an increase of 8,200 hours of overtime paid to other officers, costing the state approximately \$230,000. You figure it out what this means statewide. No more covering staff shortage with our leave time!!

Lastly, I would like to express my opinion of Hinman, Straub, Pigors and Manning and especially Attorney Rich Casagrande in the prosecution of this case. Early in the formation of the Otisville case, Rich gave me his undivided attention and his trust of my knowledge of the inner workings of security staffing. He took the time and effort to learn the system inside and out and as a result was devastating at the hearing and especially when he submitted his written brief following the arbitration. He literally destroyed the state. Together, we gave this case our undivided attention - for a full month leading up to the actual hearing - and it paid off BIG! I know there is a lot of abstract criticism out there concerning the law firm, but let me tell you here and now - you just got a big piece of your \$2.5 million right back in your pockets. I hope you all take just a moment to realize what a giant step has been taken.

Sgt. Don Premo
NYSCOPBA Staffing Specialist

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Clothing Allowance IP

To the net-

The question of the status of the Uniform Allowance Improper Practice filed at PERB has come up lately so I will endeavor to tell all I can on the subject.

As everyone knows the IP was filed last December, when the funds were not paid. GOER refused to pay on the grounds that claimed there was no Tri-borough language in the contract relating to the uniform allowance. The initial conference at PERB took place in January where the parties selected the Administrative Law Judge that would hear the case and where initial ground rules were laid out. A two part hearing was scheduled with the first day being sometime in March (I forget the date) and the second and final hearing to be held on April 25.

As the initial hearing approached in March, the lead attorney in the case (Nancy Burritt) suffered a broken arm and the March hearing was postponed. This caused a major uproar in spite of the fact that the April 25 date for the second part of the hearing remained intact. The March meeting was rescheduled in early April and the second hearing went off on schedule April 25. This concluded oral argument. The parties then had 30 days to file written arguments before the ALJ would decide the case. By statute, he has 30 days following the submission of the written briefs to render the decision.

Now the plot thickens. In May, contract negotiations were shifting into high gear. As part of the tentative agreement GOER insisted that the IP be pulled since the issue would become moot with the ratification of the new contract. Their logic was the funds sought by the IP were already in the contract, so the IP was of no use. Now please read the following very closely---NYSCOPBA did NOT agree to dropping the IP in order to enter into the tentative agreement. NYSCOPBA insisted that the IP be allowed to go forward in order to determine once and for all if there were Tri-borough rights attached to the Uniform Allowance. In the end, the state relented from their demand to drop the IP and a new date was established for the submission of the written briefs. In fact the briefs were filed by both parties on June 28th. The matter has now been in the hands of the ALJ for 18 days, meaning the decision should be rendered within two weeks.

Remember, even though the ALJ rules, there is the option of an appeal to the full Public Employee's Relations Board by the losing party. The matter could be tied up much, much longer if the state wanted it that way (thank you Taylor Law-one more time).

I hope this explains everything to everyone's satisfaction. If you need more information, please feel free to contact me at the NYSCOPBA Grievance Department 1-888-484-7279 extension 253.

Don Premo

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Editorial, from The Chief -- The Civil Employees Weekly

"You campaign in poetry but you govern in prose" was a phrase ex-Mayor Dinkins sometimes used to describe the difference between the ideals that led an outsider campaigning for office to promise sweeping changes and the realities that such a candidate had to confront once elected.

Right about now, Brian Shanagher, the president of the New York State Correctional Officers and Police Benevolent Association, understands exactly what Mr. Dinkins meant. Mr. Shanagher last year persuaded 24,000 state correction officers, cops and other safety personnel to sever their longtime affiliation with Council 82 of AFSCME and choose his insurgent group as their bargaining agent.

The key to his success was tapping into employees' frustration with a decade of less-than-satisfactory contracts, including their previous deal, which began with a two-year wage freeze. Mr. Shanagher promised that if his group was chosen in the representation election, he would win a "law-enforcement contract" that exceeded the terms won by state unions representing civilian workers.

When NYSCOPBA engaged in serious negotiations with the Governor's Office of Employee Relations this spring, however, it discovered that state officials were unwilling to deviate from the basic wage pattern-raises of 13 percent over four years-that was set with the Civil Service Employees' Association.

State negotiators were willing to provide extra money for NYSCOPBA members in the form of bonuses totaling \$1,750, as well as rewarding those with low sick leave and those with 20 years on the job with additional bonuses of up to \$1,000 apiece. Mr. Shanagher accepted the deal, hoping he could convince his rank and file that those bonuses lived up to his promise to do better than other state employee unions. But his members, by a margin of 1,214 votes out of more than 20,000 cast, decided the tentative contract

wasn't good enough.

NYSCOPBA officials have complained that they were hamstrung in their efforts to convince members to ratify by a well-orchestrated campaign by the remnants of Council 82's leadership. That is undoubtedly true, but it only proves that in more ways than one, union politics is a contact sport.

Given the restrictions that the state Taylor Law has had on the ability of unions to successfully strike, any public-employee union hoping to exceed an established bargaining pattern had best hope that the chief executive it deals with, whether at City Hall or the Governor's Mansion, is predisposed to offer something more than a sympathetic ear.

If not, there is a distinct risk to promising the group's members (or prospective members) the world. Once expectations are raised that high, there's a good chance the rank and file will not be satisfied by small gains, however substantive.
