



# AFSCME®

One Commerce Plaza, Suite 1012, Albany, New York 12210

Telephone: (518) 465-4585

April 5, 1984

TO: Elizabeth Brickman  
FROM: Steve Fantauzzo *SF*  
RE: T.U.F.C.O. Project Proposed

The purpose of this memo is to provide background information on TUFCO and request a project covering the potential decertification.

## BACKGROUND

TUFCO (The Union of Federated Correction Officers) is an independent association comprised of former local union leaders within Council 82. They were officers who also held Council Executive Board positions and upon their failure to achieve re-election, incorporated an independent association in December 1982. Originally, they claimed they were only a "fraternal" organization, selling disability insurance at a much lower cost that Council 82 has been able to secure.

Annual membership dues for TUFCO are \$10.00, allowing you to purchase the disability insurance. The three most active officers in TUFCO are; Dennis Fitzpatrick (Local 1279), James Morrissey (Local 1447), Kevin Casey (Local 1871), and Jim Shannon (Local 1255).

Prior to the AFSCME Council 82 Convention in September, the TUFCO leadership announced their intention to run a slate of officers against the Council's current leadership. By nomination time, it was very evident that TUFCO had little support and stood no chance of success. Rather than embarrass themselves, the TUFCO leadership ran a slate of secondary low visibility officers who gained little support. After the Convention, TUFCO was forced public (see attached) with their effort to decertify Council 82.

Most of the TUFCO effort has been with new officers and dissidents of Council 82. In the last three years, over

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***in the public service***

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American Federation of State, County and Municipal Employees, AFL-CIO

60% of the current unit has been hired. Most of these young officers have no strong allegiance to Council 82 and did not participate in the officers strike during the late 1970's. They have not seen the advances made by Council 82 over the last five years. Further, many are being pressured (see activity section) into signing cards.

Council 82's most serious internal problem comes from black officers who see the Council as unresponsive to their needs. This is a long standing problem and TUFACO has made a special effort to play on this weakness.

### ACTIVITY

Thus far, TUFACO has produced one six-page brochure which has been stuffed in mail boxes at about twelve prisons. The brochure has not yet been mailed to the membership in general.

The TUFACO leadership has been holding "beer and pizza" card signing meetings around the State which have been fairly successful in the Downstate area. TUFACO has attempted two fund-raisers and lost money both times. We believe that they are being financed by the insurance provider (Unity Insurance).

The corrections supervisory local (Sergeants and Lieutenants) is a strong TUFACO unit. TUFACO has employed a strategy of pressure where these officers individually approach new recruits and transfers with authorization cards. It is obviously difficult for a new recruit to tell his "boss" that he does not want to join.

### PITCH

TUFACO is hitting on several different themes to encourage membership. They include:

1. Council 82 is controlled by elitist who have sold-out to management.
2. Excessive dues
3. Council 82 is too passive and has failed to bring back good settlements to the membership.
4. Representation is uneven and inconsistent.
5. Grievances take too long to process.
6. No need for an International Union or affiliation.
7. Half million dollars sent to Washington can be better spent locally.
8. Council 82 lacks professional negotiators.

While TUFCCO has yet to specifically address dues or structure, they are committing to the following:

1. "Professional" business agents and negotiators.
2. Legal counsel for every "major" disciplinary proceeding.
3. Disaster fund for correction officers.
4. Educational scholarships.
5. Prepaid legal program.
6. Tax and retirement planning services.
7. Cheaper life insurance.

INSTITUTIONAL STRENGTHS AND WEAKNESS

The following prisons have been identified as either strong TUFCCO or strong Council 82 facilities. Membership numbers are identified in parenthesis.

T.U.F.C.O.

399 - Downstate (487)  
738 - Hudson (144)  
866 - Adirondack (196)  
1279 - Great Meadow (529)  
1285 - Camp Gabriels (59)  
1447 - Auburn (438)  
1653 - Long Island (293)

COUNCIL 82

781 - Ogdensburg (137)  
923 - Albion (161)  
1040 - Attica (565)  
1041 - Eastern (370)  
1151 - Woodbourne (276)  
1240 - Elmira (410)  
1264 - Coxsackie (282)  
1272 - Clinton (869)  
1548 - Watertown (120)  
2398 - Arthur Kill (260)  
2556 - Groveland (127)  
2655 - Mid-Hudson (241)

TOTALS - (2146)

(3818)

# New prison guards union to form

By Gary Kane  
Staff Writer

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The United Federation of Correction Officers Inc. (TUFACO) will challenge District 82 of the American Federation of State, County and Municipal Employees for the right to represent the state's corrections officers, said Dennis Fitzpatrick, a leader of the new union movement and an officer at the Great Meadow Correctional Facility in Comstock.

"In our opinion, there is widespread dissatisfaction with Council 82 AFSCME," said Fitzpatrick Saturday. "The rank and file have no way to control their destiny."

Fitzpatrick charged that the existing union has taken a passive approach to such critical issues as prison overcrowding and AIDS (ac-

quired immune deficiency syndrome). He complained that Council 82 has deserted retired correction officers. He said union members get little for their \$224 annual dues.

"People don't like paying dues to an organization that doesn't represent them," said Fitzpatrick.

Newly elected Council 82 President Richard Bischert said he was not surprised by the announcement of the union challenge and attributed it to TUFACO's failure to elect its candidates to Council 82 offices during the union's convention last month in Albany.

"TUFACO had a slate of candidates to run, but the delegates who came didn't support their positions," said Bischert. "I'm not really worried about this challenge."

About 131 delegates and 47 alternates from across the state attended the recent union convention, he said.

Auburn corrections officer James Morrissey said Saturday he has re-

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"They've lost sight of the individual member," he said. "That's the reason I resigned. Things need to be done that aren't being attended to."

Morrissey charged that the existing union is failing to ensure that assaults against guards are being prosecuted. He complained that the union is slow to act on guards' grievances against management.

TUFACO intends to petition the state Public Employees Relations Board for an election among corrections officers to decide which union shall represent the prison guards, said Morrissey.

The new Council 82 president denied the charge that the union has lost touch with its members. He said he has conducted training seminars on grievances and state leg-

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Council 82, which was established more than a decade ago, will survive the challenge from TUFACO, he predicted.

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AFSCME spokespeople, when contacted by The Citizen today and this past weekend, were unavailable for comment.

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"Not one resolution was passed," he said, noting 12 sergeants-at-arms stood by to control the internal fighting.

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Concluded on page 7



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# He aims to oust guard union

From page 1

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TUFCO would hire top-notch lawyers to litigate for stricter laws, the 34-year-old Morrissey said.

"Council 82 has lost almost every court case," he said, adding that the poor quality of AFSCME lawyers eased passage of a new law which halted some prisoner friskings.

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Under the new law, it is possible for inmates to pass and conceal contraband on trips, said Morrissey, who became a guard at age 20 because he needed a job.

TUFCO also would give the state's 10,000 prison guards an identity, he said, and arrange for a separate union for state park lifeguards, sheriff's deputies and capital police officers.

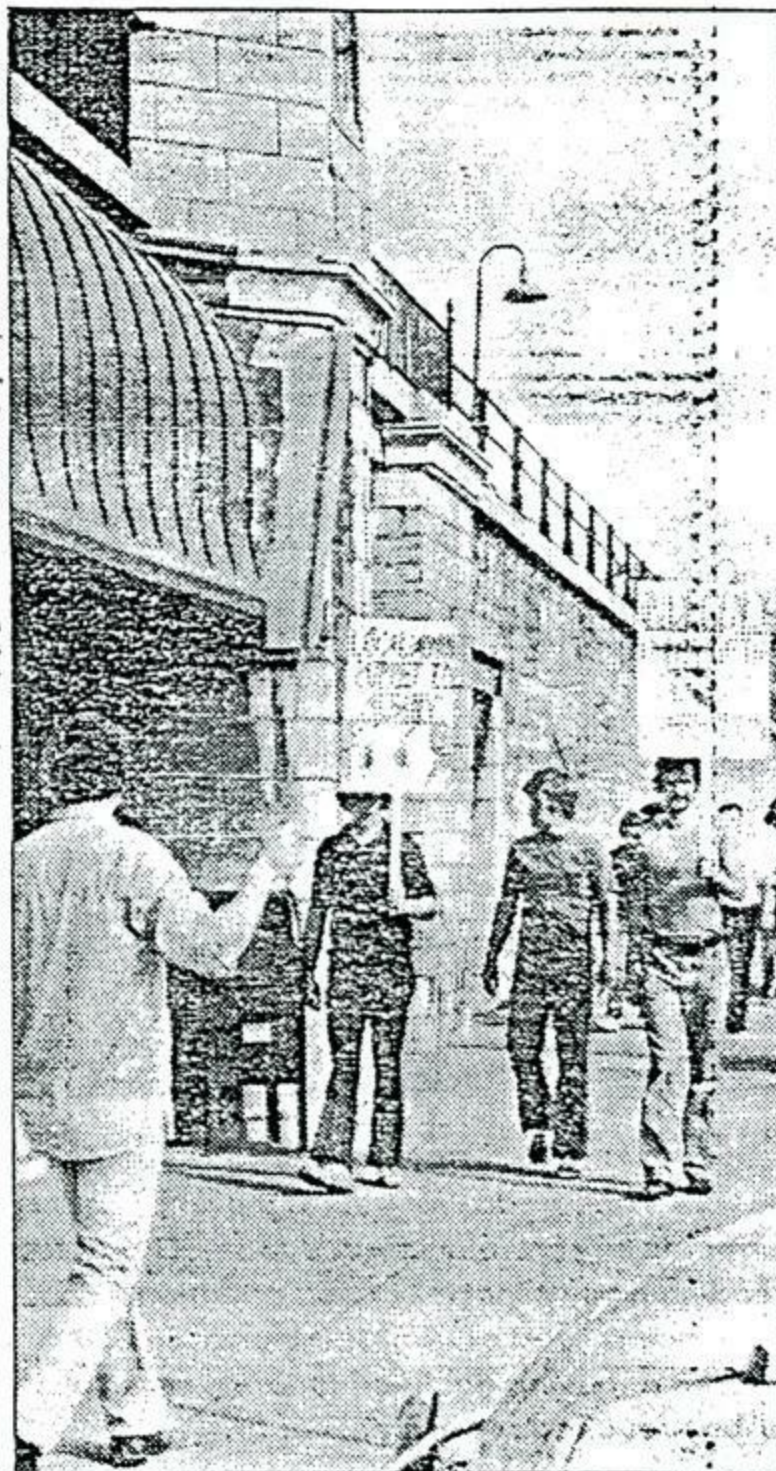
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"We want the union to wear one hat. Now, our image is diluted," said Morrissey, who would become a union executive in Albany if TUFCO is voted in.

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Another reason to oust Council 82, which defeated a similar decertification challenge in 1977, is to negotiate the 1985 contract under TUFCO, he said.



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File photo

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**Races**

Page 6B



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BONBON, N.J.

## Unions battle for state jail guards

By ERIC FREEDMAN

Knickerbocker News Capitol Bureau

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On one side is the incumbent union, Council 82 of the American Federation of State, County and Municipal Employees, which contends it is an effective advocate for its members.

On the other is TUFCA, The Union of Federated Correction Officers, which asserts Council 82 lacks independence and is "ruled by an elite."

Although challenging petitions can't be filed until August, harshly worded charges and countercharges are already flying.

And the controversy could delay the anticipated fall opening of negotiations for a contract to take effect April 1, 1985.

In addition, both TUFCA and Council 82 have filed improper practice charges with the Public Employment Relations Board (PERB) stemming from the conflict.

As an example of how heated the debate already is, a flyer from the Council 82 local at the Fishkill Correctional Facility in Dutchess County questions the commitment of TUFCA organizers to the well-being of correction officers and suggests TUFCA leaders may be "just power hungry."

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**The  
Knickerbocker  
News**

Vol. 47 No. 235 25c

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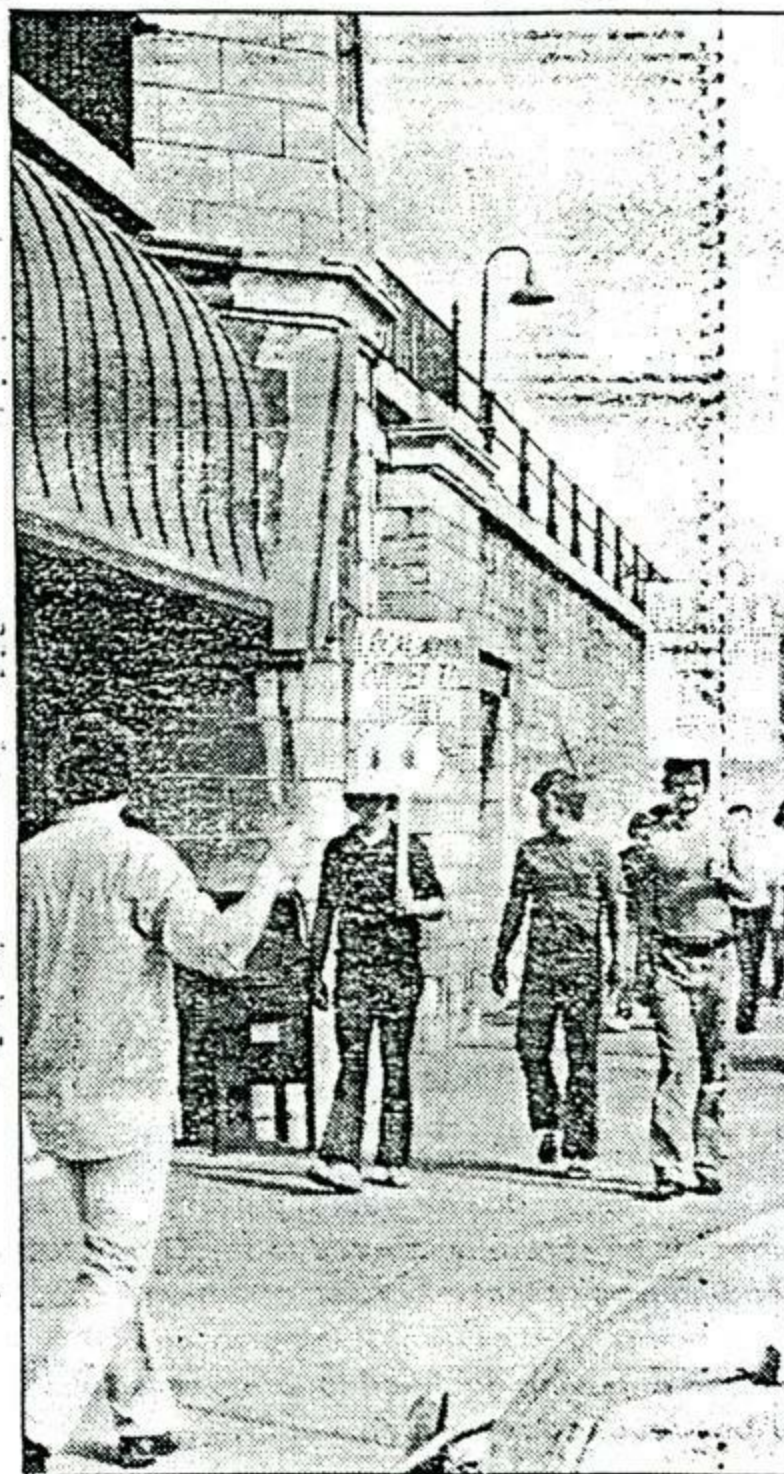
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## Cable TV

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## Races

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# Some avoid tuition

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American Federation of State, County and Municipal Employees  
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Telephone (202) 429-1000  
Telex 89-2376

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Philadelphia, Pa.

Maynard White  
Houston, Texas

Mr. Steve Fantauzzo  
AFSCME IUAD  
99 Washington Avenue  
Suite 1116  
Albany, NY 12210

Dear Steve:

As promised here is a mock-up of the first Council 82 mailing, together with the proposed pictures. This would be a self-mailer, folded just as it is. Obviously, we would be using two colors to enhance the literature. My plan would be to print the leaflet here and to ship it to the Council 82 mailing house for labeling and postage. That way we pay the tab for the printing right away.

In Solidarity,

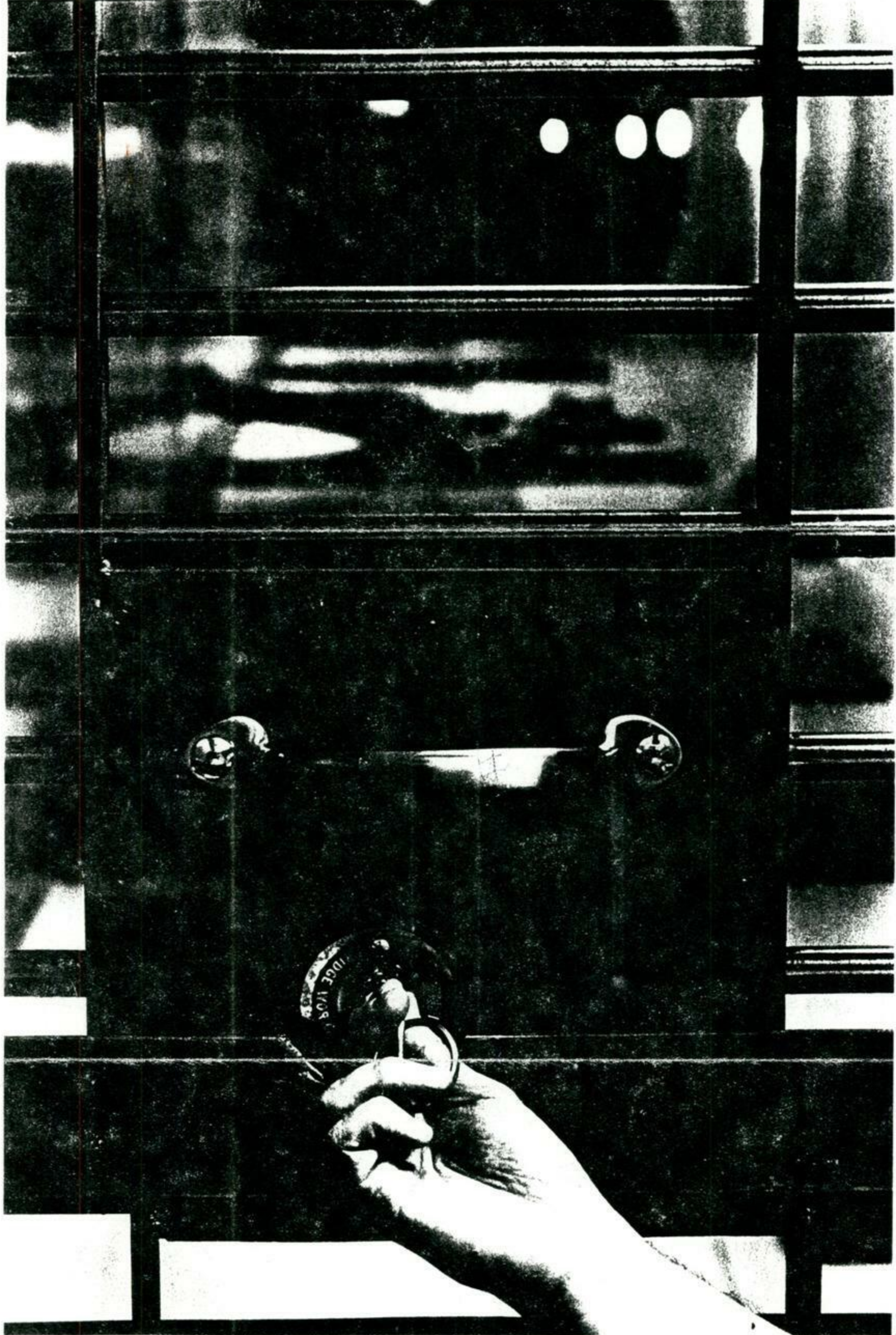
Philip Sparks  
Director  
Public Affairs Department

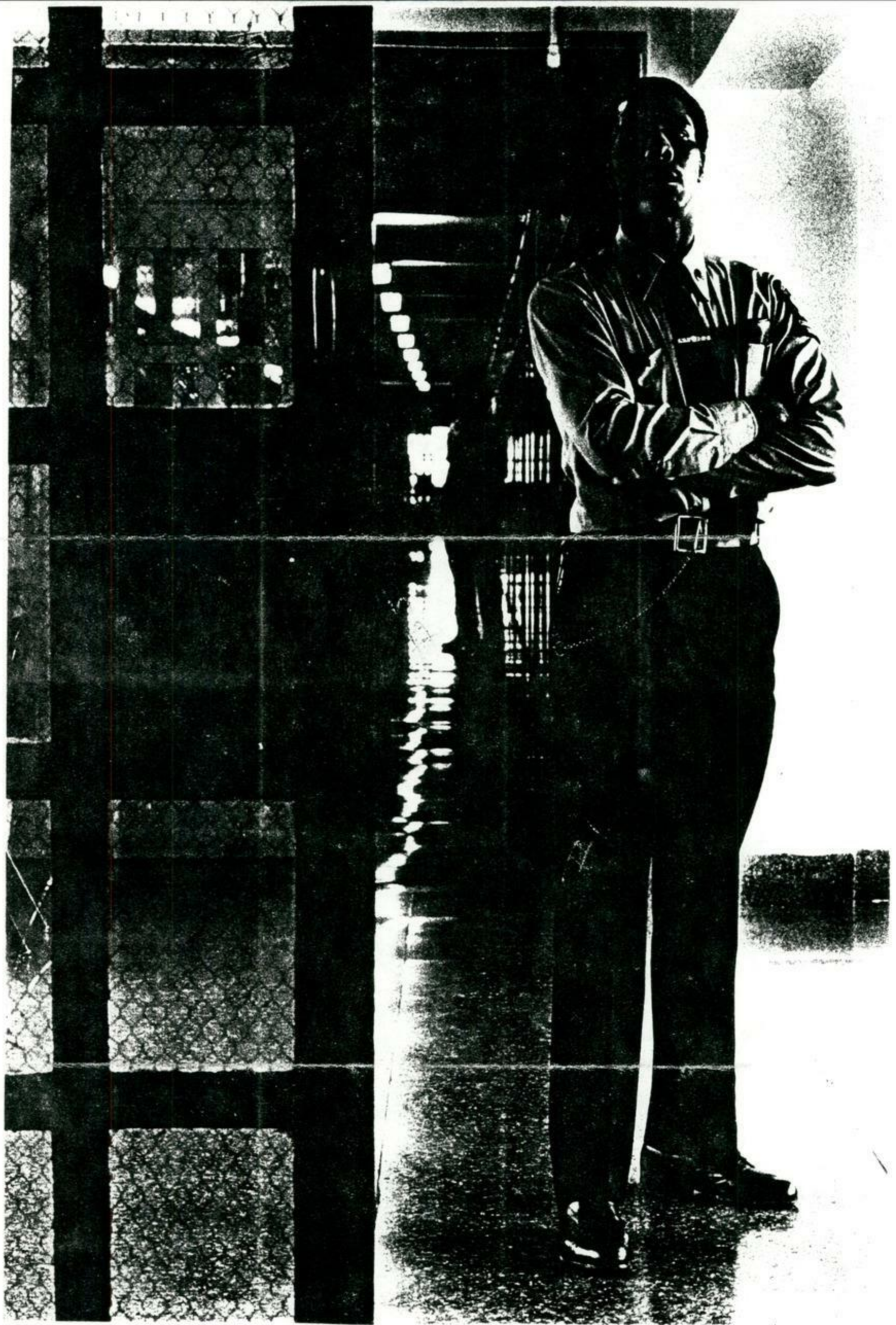
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Enclosures

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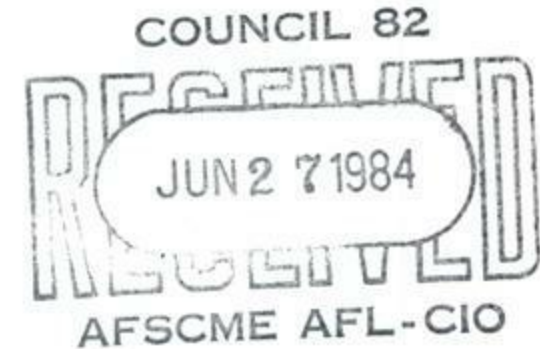
# AFSCME®

One Commerce Plaza, Suite 1012, Albany, New York 12210

Telephone: (518) 465-4585

June 25, 1984

Mr. John W. Burke  
Executive Director  
Council 82, AFSCME  
63 Colvin Avenue  
Albany, New York 12206



Dear Jack:

In response to a potential TUFCA decertification attempt, I had the International Research Department prepare a variety of charts comparing wages and benefits for correction officers and sergeants - nationwide. As you already know, Council 82 correction officers rank either first or third depending on how you draw the sample.

Tables I - IV include rankings for the entry level minimum and maximum salaries for both officers and sergeants in New York and the other twenty states where AFSCME represents these classifications. Council 82 ranks first.

Tables V - VIII do the same comparisons, but for every state. Again, wages in New York rank consistently near the top and much higher than the average wage.

The final chart compares certain fringe benefits in New York and selected states. These comparisons show that in New York, benefits are always competitive and often exceed those in other states. Particular attention should be paid to personal leave and promotion language where Council 82's contract exceeds those throughout the country.

Perhaps this information will be of use in literature and meetings. If you need more material along these lines, please give me a call.

Fraternally,

Stephan Fantauzzo  
International Union Area Director

SF:dbw

cc: F. Benedetto

***in the public service***



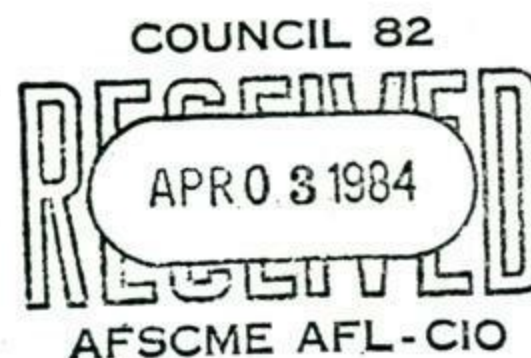
AFSCME®

One Commerce Plaza, Suite 1012, Albany, New York 12210

Telephone: (518) 465-4585

April 2, 1984

Mr. William Welsh  
Director, Department of Legislation  
AFSCME International  
1625 L Street, N.W.  
Washington, D.C. 20036



Dear Bill:

The United Federation of Correction Officers (T.U.F.C.O.) is a newly formed independent union comprised of former officers of AFSCME, Council 82. T.U.F.C.O. is currently collecting authorization cards and we anticipate an effort to decertify Council 82 in the correctional system at the next window period.

One of T.U.F.C.O.'s arguments centers around being locally based and not having to send affiliation fees outside of New York. They contend that Council 82 receives nothing from Washington and that the money can be better spent on hiring professional staff in New York.

I would appreciate your assistance in counteracting this argument. We need information and copies of requests handled specifically for AFSCME, Council 82 over the last several years. It would also be useful if you could provide information on activity within your department which has benefited correction officers in general.

Thank you for your assistance. I would appreciate the information by the third week of April, if possible.

Fraternally,

Stephan Fantauzzo  
International Union  
Area Director

SF:dbw

cc: E. Brickman  
H. Teague

CC H Chase  
O Bischoff

J. Benedetto

**in the public service**



dec. jack  
**AFSCME**®

One Commerce Plaza, Suite 1012, Albany, New York 12210

Telephone: (518) 465-4585

April 2, 1984

Mr. John Dowling  
AFSCME International  
1625 L Street, N.W.  
Washington, D.C. 20036

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International Union  
Area Director

SF:dbw

cc: E. Brickman  
H. Teague

***in the public service***



# AFSCME®

One Commerce Plaza, Suite 1012, Albany, New York 12210

Telephone: (518) 465-4585

April 2, 1984

Mr. Philip Sparks  
Director of Public Affairs  
AFSCME International  
1625 L Street, N.W.  
Washington, D.C. 20036

Dear Phil:

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Fraternally,

Stephan Fantauzzo  
International Union  
Area Director

SF:dbw

cc: E. Brickman  
H. Teague

***in the public service***



bcc: Jack  
**AFSCME**®

One Commerce Plaza, Suite 1012, Albany, New York 12210

Telephone: (518) 465-4585

April 2, 1984

Mr. Robert McGarrah  
Public Policy  
AFSCME International  
1625 L Street, N.W.  
Washington, D.C. 20036

Dear Bob:

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Fraternally,

Stephan Fantauzzo  
International Union  
Area Director

SF:dbw

cc: E. Brickman  
H. Teague

***in the public service***



AFSCME®

bcc: Jack

One Commerce Plaza, Suite 1012, Albany, New York 12210

Telephone: (518) 465-4585

April 2, 1984

Mr. Donald Wasserman  
Department of Research  
AFSCME International  
1625 L Street, N.W.  
Washington, D.C. 20036

Dear Don:

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Fraternally,

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International Union  
Area Director

SF:dbw

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H. Teague

***in the public service***

AFSCME      WON      BACK      YOUR      PENSION      RIGHTS!

THE NEW YORK STATE LEGISLATURE TRIED TO CREATE A PERMANENT SECOND-CLASS STATUS FOR SOME AFSCME COUNCIL 82 MEMBERS, BUT IT DIDN'T COUNT ON THE STRENGTH OF YOUR UNION IN ITS FIGHT TO DEFEND ITS MEMBERS FROM THE LOSS!

Correction officers who were hired after 1976 were affected negatively by the legislature's regressive pension "reform" system, which was titled Tier III.

That system ended the 25-year, half-pay retirement for those who were hired after 1976, thereby creating a second-class status for those young COs.

In addition, the new crop of COs (now seasoned veterans) saw the legislature weaken their disability coverage and establish an off-set for Social Security, which represented a loss of benefits for those who would retire under the system.

The state wanted correction officers to work until they were 62 before they could retire, not matter what age at the start. That meant that a CO who started at 20 would have to work 42 years in the prisons -- too much for anyone to expect, especially since the life expectancy for a CO is about 57 years.

AFSCME International and Council 82, working together in 1981, turned it around for the Tier III officers. It was hard work and it took the participation of many COs who went to Albany to lobby the legislature. They got back their 25-year, half-pay retirement benefit.

Then, in 1983, the international union and Council 82 won for the state COs their own retirement system, a first in the state's history.

This new system provides for the development of a pension system that will meet the unique needs of correction officers. Too, the disability benefit was improved, because it was separated from the Social Security disability requirements.

AFSCME International and Council 82 have a long history of fine achievements for the members. It's a history that is being made every day, on the job and in the halls of the legislature. You can count on it!



# AFSCME®

One Commerce Plaza, Suite 1012, Albany, New York 12210

Telephone: (518) 465-4585

May 29, 1984

TO: Phil Sparks  
FROM: Steve Fantauzzo *SF*  
RE: Council 82 Communications Program

In reviewing your May 22, 1984 memo regarding International Public Affairs Assistance for Council 82, we may want to address two additional areas.

- 1) In addition to developing an organizing poster for Council 82, it is my understanding that we will also be reprinting 5,000 copies of the special Public Employee reprint of correction officers for Council 82. This reprint will eliminate the back-side picture of Leander McCall and include on its front-page the Council 82 slogan, "Council 82 - The Right People, The Right Union, The Right Stuff."
- 2) We will also be placing a Council 82 story (to be determined) in the July or August issue of the Public Employee. The purpose of this story will be to accentuate the positive efforts that Council 82 is undertaking on behalf of its members.

The July to September proposed project budget presently contains funding for the corrections reprint.

Please let me know if there is a problem in pursuing these two additional areas.

SF:dbw

cc: John W. Burke  
Thomas King  
Vincent O'Brien  
John Funiciello

***in the public service***



## Unions in battle...

CONTINUED

The handout also says a TUFCO victory means "our existing contract is no longer in effect." But according to the Governor's Office of Employee Relations, although the existing contract would be technically void, all its terms would continue in effect.

TUFCO lawyer Jeffrey Brozyna asserts Council 82 has "lost touch" with its members and has been "passive" in its negotiations with the state. "There's general discontent. Council 82 has not been a strong professional advocate in dealing with the state," Brozyna said.

TUFCO's five directors have held leadership positions within Council 82, and president Dennis Fitzpatrick is the former head of the Council 82 Correction Policy Committee.

Council 82 Executive Director John Burke counters that his union has negotiated better contract settlements than any other state union.

Calling TUFCO's leaders "losers" and a "misguided clique of malcontents," Burke said some correction officers who joined TUFCO when it was a fraternal organization "feel misled or even betrayed."

"It was Council 82 alone — other public sector unions failed — that resisted any erosion and kept time and attendance disciplinary proceedings in our own arbitration jurisdiction," Burke also said.

He continued, "The state tried to reduce workers' compensation leave. We would not let them. Other unions also failed in this regard."

Under the Taylor Law, TUFCO's petition to force a representational election must be supported by at least 30% of the members of the bargaining unit.

TUFCO is now soliciting petition cards to file with PERB in August. Negotiations on a new contract would be delayed until the question of who represents the bargaining unit is resolved.

In its PERB charges, TUFCO accuses the state of improperly confiscating 30 signed and 41 unsigned confidential union membership authorization cards at Fishkill. The state defends the seizure as legal under an Office of Employee Relations policy that does not require the state to give a challenging union equal access to government facilities until May 1.

A state Supreme Court hearing is scheduled in Albany Friday on the same issue because a TUFCO lawsuit contends it will take too long for PERB to decide the question.

The attorney general's office will ask to have the suit dismissed on the ground that PERB has exclusive jurisdiction over the controversy.

The lawsuit doesn't name Council 82 as a defendant, but Council 82 attorney Richard Rowley said, "We're examining the (legal) papers and preparing to take appropriate action."

The improper practice charge filed by Council 82 accuses TUFCO and the Department of Correctional Services of illegally acting "in concert" to allow the challengers to solicit signatures on prison property.

Correctional Services information officer Lou Ganim said his department is "absolutely neutral. We've got both sides after us. You can't be more neutral than that," Ganim said.

On Friday, a PERB administrative law judge will meet with representatives of Council 82, TUFCO and the state to discuss the improper practice charges.

In the debate over representation, Brozyna said TUFCO's status as an independent union means dues Council 82 now pays to AFSCME and the AFL-CIO can be spent to provide better services and local programs.

Brozyna also said TUFCO would allow all members to vote directly for officers, a change from the Council 82 procedure of having delegates elect the union's statewide officers.

Charles R. Booth, the Council 82 public relations director, said, "Our union and our convention are every bit as constitutional and a heck of a lot more democratic than many other unions."

According to Booth, Council 82 officials will be "going on the road" to meet with employees units and answer questions. "We're going to emphasize our achievements. We think we can do the job better than anyone else," he said.

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## Unions in battle...

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