

BULLETIN

From

Security and Law Enforcement Employees Council - 82

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

63 Colvin Avenue, Albany, N. Y. 12206



Phone 518/489-8424

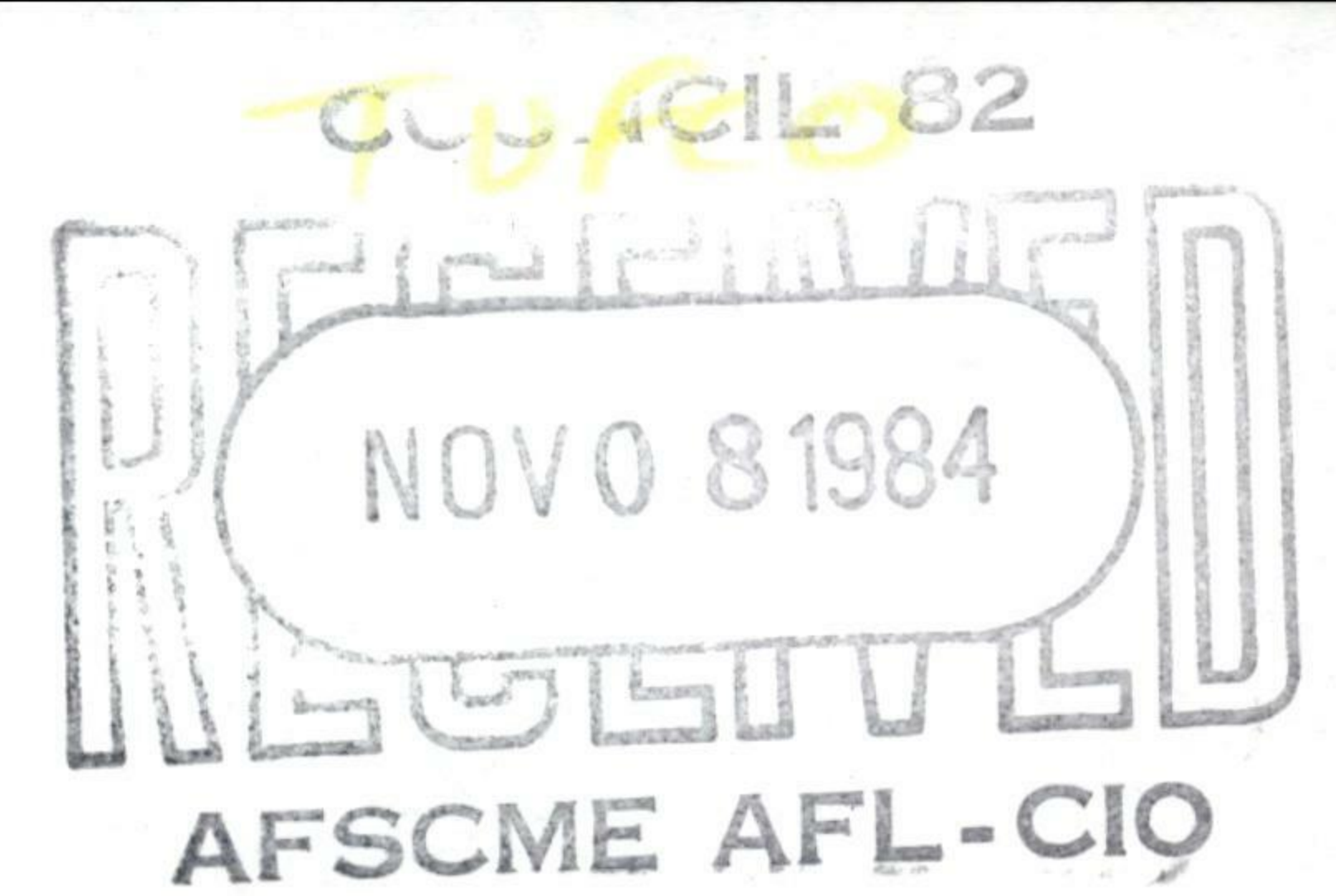
TO: All Members
FROM: John W. Burke, Executive Director
RE: CHALLENGE UPDATE
DATE: December 4, 1984

In August three petitions were filed to carve up the Security Services Bargaining Unit and destroy the unity that all of us have fought so hard to build. At the same time tufco filed a petition seeking to represent the entire bargaining unit, including non-correction titles. When its petition was filed, the tufco constitution became public for the first time and showed that the five original members and officers of tufco were going to keep total control without elections through December, 1988 and that all along they intended to try to represent a bargaining unit including non-correction titles.

Many officers who signed tufco cards couldn't believe their eyes! Not only had tufco petitioned to represent a unit including non-correction titles, which it had said repeatedly that it wouldn't do, but the tufco leaders had also set themselves up in total for four years without any chance of an election. Many officers realized that tufco, the phony union, had peddled a phony bill of goods, so they asked Council 82 to try to get PERB to throw tufco's petition out so that Council 82 could get on with the bargaining. Well, we tried, but PERB has now issued its decision saying that it doesn't care if tufco won't have elections for at least four years. In a nutshell, PERB doesn't care if you want to fall for tufco, the phony union. Well, we know that it matters to you, so it matters to Council 82!

Now, tufco is sitting passively on the sidelines while the State is seeking to destroy employee unity by carving Correction Sergeants out of the Security Services Bargaining Unit. Council 82 will defeat that attempt to break our unity, just like it has defeated the same attempt by the State three times in the past. Soon you will have the chance to tell tufco and its five members by your vote at the ballot box that you are not going to fall for their phony bill of goods and that you are not going to be their meal ticket for the next four years. You'll have the chance soon to tell tufco to get lost and to tell the State loud and clear that the unit is united and that it is united behind THE REAL UNION: **Council 82.**

AGREEMENT



Agreement dated this 2 day of ^{Nov.}~~October~~, 1984,
between CORPORATE CAMPAIGN, INC. (CCI) and COUNCIL 82,
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL
EMPLOYEES (COUNCIL 82).

1. CORPORATE CAMPAIGN, INC. agrees that it will develop, write, design and where appropriate provide illustrations for up to seven pieces of camera ready campaign literature to aid COUNCIL 82 in its representation election.

2. CORPORATE CAMPAIGN, INC. further agrees to establish a phone bank for COUNCIL 82 to identify and get out the vote. CCI will hold a training session with those staff and membership who will work on the phone bank, for each phase of its operation.

3. The fee payment schedule shall be \$15,000.00 within one week of the signing of this agreement, \$7,500.00 on November 16, 1984 and \$7,500.00 on December 7, 1984, for a total of \$30,000.00.

4. COUNCIL 82 shall only be responsible for receipted expenses for transportation and the type setting of campaign literature.

5. It is further agreed between the parties that should COUNCIL 82 receive at least 10,000 votes it will pay CCI a performance bonus of \$5,000 within one week following the certification of the vote by the Public

11-16-84
cc: F. Benedetto
JWB:ka

Employee Relations Board. Should COUNCIL 82 receive at least 12,750 votes it will pay CCI a performance bonus of \$10,000 within one week following the certification of the vote by the Public Employee Relations Board. Should COUNCIL 82 receive less than 10,000 votes no performance bonus shall be paid to CCI.

6. In the event that the campaign should become unnecessary because of a ruling favorable to COUNCIL 82 by the Public Employment Relations Board or any other legal body with jurisdiction over this election it is agreed that the most recent scheduled payment received by CCI from COUNCIL 82 per this agreement shall be deemed the final payment and this agreement shall be ended.

Ray Rogers
CORPORATE CAMPAIGN INC.

President
TITLE

John W. Burke
COUNCIL 82, AFSME

Exec. Dir.
TITLE

11/2/84
DATE



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Security and Law Enforcement Employees Council - 82

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

63 Colvin Avenue, Albany, N. Y. 12206



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COUNCIL 82's
WIMPCO Busters Campaign Manual



What's WIMPCO?

Worthless,
Inexperienced,
Misrepresentatives for
Phoney
Correction
Officers

JOHN W. BURKE
Executive Director

RICHARD J. BISCHERT
President

SECURITY & LAW ENFORCEMENT EMPLOYEES
COUNCIL 82, AFSCME, AFL-CIO



Security and Law Enforcement Employees Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

WIMPCO BUSTERS CAMPAIGN

Your kit contains:

1. Handouts on Council 82
2. Instructions for Campaign
3. Ten Record Sheets with Ten Envelopes
4. Record Keeping Information
5. How to Approach a Member on this Issue

Your goal:

1. Contact the members you have been assigned.
2. Record responses of members.
3. Get the ballots back.



Security and Law Enforcement Employees Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

TO : Election Representatives
FROM: John W. Burke, Executive Director
DATE: October 22, 1984
RE : WIMPCO Busters Campaign Instructions

The goal of your participation in the WIMPCO Campaign is for each of you to personally contact the members you have been assigned.

We want you to explain to each of those members the importance of the upcoming election. Tell them that Council 82 is being challenged by an association for your bargaining rights. Explain that in the near future they will be receiving a ballot from the Public Employment Relations Board. Provide each member with information (in the kit) on Council 82 and how we are the best qualified and experienced to represent them. In this kit you will find a memo on how to approach a member on this subject.

Find out if the member is for Council 82, undecided or against Council 82. Record their response on the 4x6 cards provided. We ask that you record the responses of those members you reached that week on the enclosed record sheet, mailing same to Council 82 each Friday in the pre-addressed envelope.

Each local has a WIMPCO campaign coordinator, who will receive additional literature and information from Council 82. He will be in touch with you on distributing this information.

After the ballots are mailed out, we want you to re-contact those members who are for Council 82 or undecided to make sure they get their ballots back. We don't want to encourage those who are for WIMPCO to send theirs back.

The most effective way to ensure the return of the members ballots would be for you to collect the ballots and give them to your election coordinator. In turn, he can mail them to PERB. Your election coordinator will be in touch with you on how we can assure that all ballots are returned.

(over)

For those members who do not receive a ballot - an official notice from PERB will be posted in the facility explaining the election process. A specific date and telephone number will be listed, and anyone who does not receive a ballot can call PERB on that day, and one will be sent to them. Offer to make the phone call for them and have the ballot sent to their address. MAKE SURE YOU RECORD THIS PHONE NUMBER AND DATE IN YOUR KIT.

If you have any questions, please consult your election coordinator, or call Kathy McCormack or Chris Gardner at Council 82 - (1-800-342-4321) or (518-489-8424).

I will be contacting you again in the near future as further developments in this campaign unfold.

Thank you and Good Luck!

REMEMBER - EVERY BALLOT COUNTS!!!



Security and Law Enforcement Employees Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

HOW TO APPROACH A MEMBER ON COUNCIL 82

1. Start a general conversation with the employee on how important it is to have a strong union, especially since contract negotiations are coming up.
2. Give them the piece of literature on Council 82.
3. Explain to them that Council 82 negotiated a 32% wage increase over the last three years, triple the national average for union contracts.
4. Tell them that an association has petitioned the Public Employment Relations Board (PERB) for bargaining rights for the Security Services Unit.
5. Explain to the member that this association, "WIMPCO", has filed with the Department of State as a charitable organization and has never negotiated a single union contract. Further, "WIMPCO" is not affiliated with any labor organization and is not part of the powerful AFL-CIO. Explain these points in detail, if necessary.
6. The "WIMPCO" constitution provides for no elections until 1988. In contrast, Council 82 will hold elections in 1985, 1987 and every two years thereafter.
7. The "WIMPCO" Board of Directors ("the Gang of Five") won't care what kind of contract they deliver, and they'll be able to raise the dues, charge initiation fees and abolish locals at their whim. They can also set their own salaries.

(over)

8. Do you want to stick with Council 82 - the union that negotiated you a 32% wage increase - or do you want to gamble with an organization that has never negotiated a single labor contract? Don't force the issue - if they don't want to answer, leave them alone. If they say they are for Council 82, circle this response on the card. If they won't answer or are undecided, circle that response on the card. If they are hostile or for "WIMPCO", mark that on the card and do not re-contact them.



Security and Law Enforcement Employees Council 82

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PHONE 518/489-8424

RECORD KEEPING

1. You have been given a set of 4x6 cards with the names of members of your local on them. These cards will be your records for this campaign. Your goal is to contact each of the members that have been assigned to you.
2. Also in your kit are weekly record sheets that are to be filled out and sent to Council 82 every Friday. There are pre-addressed, prepaid envelopes in your kit for this purpose. On these sheets you will inform Council 82 what the member's response was. Please include the member's address and phone number when possible.
3. Your kit contains a sheet that will help you in this endeavor. Please mark the member's response on the 4x6 card. You should also mark their response on your weekly record sheet.

4x6 card: First - contact with member.
 Today's date _____.
 Circle member's response:

1. For Council 82
2. Undecided
3. Against Council 82

4. Thereafter, Council 82 will be providing you with leaflets to give to the members you have been assigned. You should be keeping your members informed on Council 82's record and discuss the issues detailed in the literature. The leafleting will be continued until the ballots are sent out. You will not be marking your cards during this period unless you perceive a change in the member's position. Notify us if a member changes their position on your weekly record sheets.

(over)

5. We will inform you by mail when the actual balloting will begin, and send you a schedule for re-contacting your pro Council 82 and undecided members. We will also explain the procedure you should follow in getting the ballots back.

4x6 card - Second contact (only contact pro or undecided members)

Today's date _____.
Did member send ballot back?

1. Yes. How sent? _____ Date sent? _____
2. No. Contact again until ballot is sent back.



Security and Law Enforcement Employees Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

Today's Date: _____

ELECTION REPRESENTATIVES' WEEKLY RECORD SHEET
(Return to Council 82 each Friday in envelope provided)

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63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

November, 1984

Dear Election Representative:

I am writing to thank you for participating in the "WIMPCO" busting campaign in your facility. As it says in our leaflet -- it's easy to promise...it's hard to deliver...Council 82 delivers." That's our message, and we're counting on you to bring the Council 82 message to your fellow union members in one-on-one situations.

As the campaign progresses, we will distribute other leaflets to you for distribution so that you can discuss the fundamental and deep-seated differences which exist between Council 82 and "Tufco".

Worthless
Inexperienced
Misrepresentatives for
Phony
Correction
Officers

You may be wondering why we are calling "Tufco" "WIMPCO". This is because the name "Tufco" is a fraud. It implies that it is a tough union, when it is, in fact, an association run for and by WIMPS -- Worthless, Inexperienced, Misrepresentatives for Phony Correction Officers. "Tufco" is not a union, it is not a federation -- it is a charitable organization for five self-appointed dictators. It does not deserve to be called a union since it has never negotiated a single contract, processed a single grievance, held a single election for officers, or held a single constitutional convention.

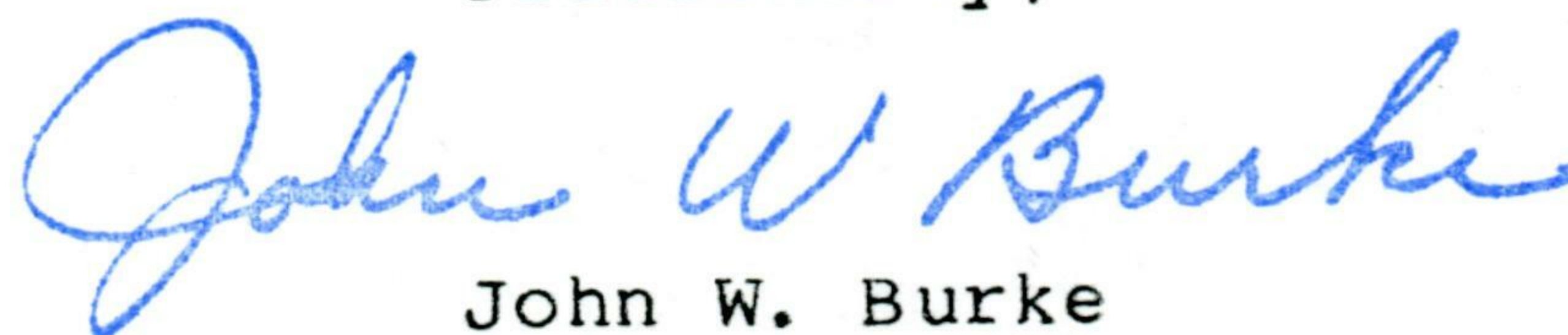
It has taken us 15 years to build a union that is able to deliver a 32% raise over three years. In fact, Council

82's last contract achieved in its first year what the average union contract nationwide achieved in three years. Council 82 is a responsive, effective organization because our constitution guarantees elections of our officers every two years. In contrast, the "Tufco" gang of five has appointed itself as leaders through 1988 with no elections!

Council 82 has a record of 15 years of consistent progress, and the success of our campaign is critical to our continued progress in our negotiations with New York State. We must decisively crush the Wimps in order to strengthen our position at the bargaining table so that we can continue to deliver the best contract in the State of New York.

Good luck! Let's give 'em hell!

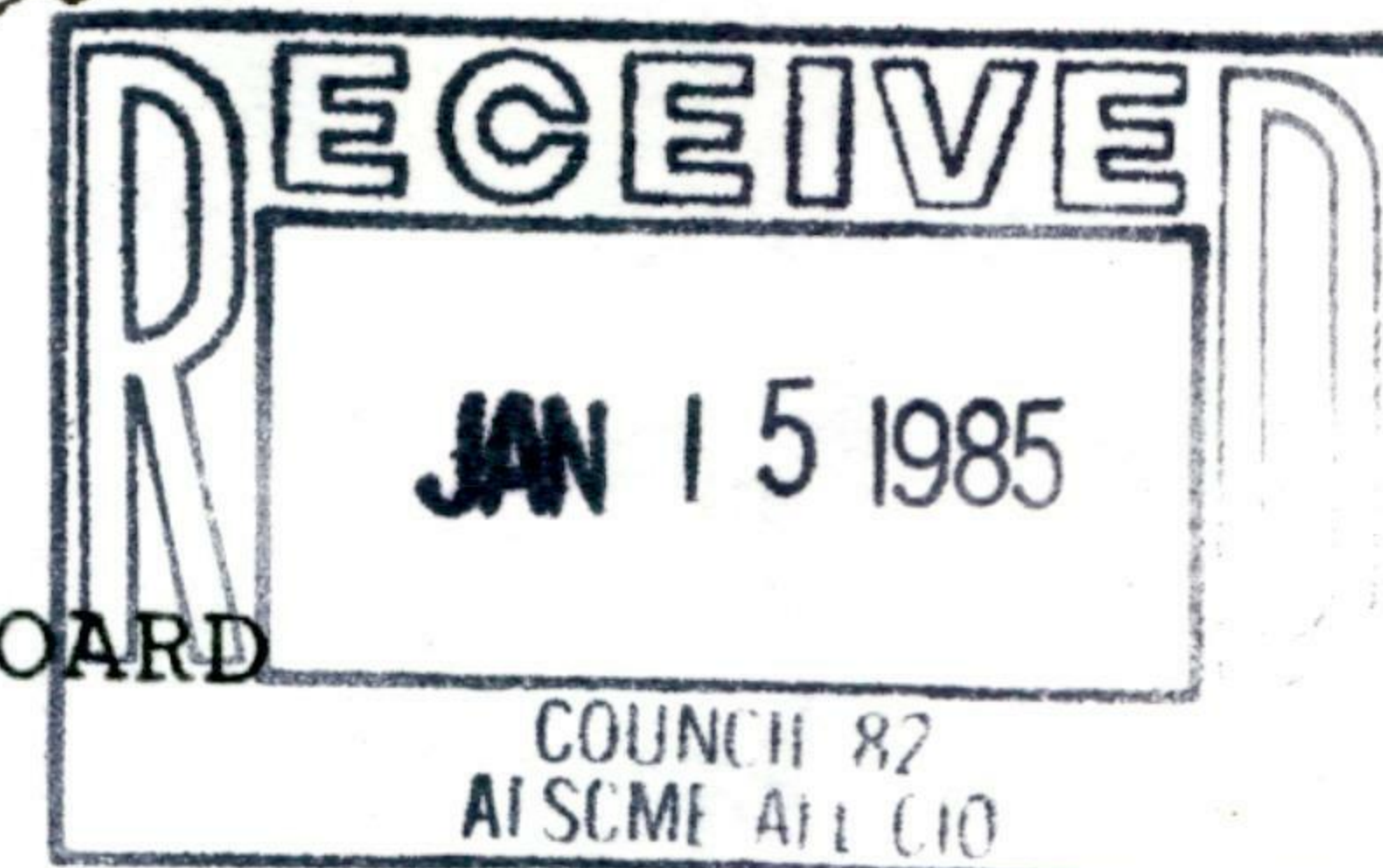
Fraternally,



John W. Burke
Executive Director

JWB:ss

Info Campaign



STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of

STATE OF NEW YORK and THE UNION OF FEDERATED
CORRECTION OFFICERS,

Respondents,

-and-

CASE NO. U-7375

NEW YORK STATE INSPECTION, SECURITY AND LAW
ENFORCEMENT EMPLOYEES, DISTRICT COUNCIL 82,
AMERICAN FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES, AFL-CIO,

Charging Party.

In the Matter of

STATE OF NEW YORK (DEPARTMENT OF CORRECTIONAL
SERVICES and OFFICE OF EMPLOYEE RELATIONS),

Respondent,

-and-

CASE NO. U-7385

THE UNION OF FEDERATED CORRECTION OFFICERS,

Charging Party,

-and-

NEW YORK STATE INSPECTION, SECURITY AND LAW
ENFORCEMENT EMPLOYEES, DISTRICT COUNCIL 82,
AMERICAN FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES, AFL-CIO,

Intervenor.

JOSEPH M. BRESS, ESQ. (Richard J. Dautner, Esq., of counsel),
for Respondent State of New York, Governor's Office of
Employee Relations

JEFFREY H. BROZYNA, ESQ., for Charging Party The Union of
Federated Correction Officers

ROWLEY, FORREST AND O'DONNELL, P.C. (Brian J. O'Donnell, Esq.,
of counsel), for Charging Party/Intervenor Council 82

BOARD DECISION AND ORDER

The two improper practice charges herein grow out of the same series of incidents and they were consolidated for hearing and decision.^{1/} The incidents involve actions by The Union of Federated Correction Officers (TUFCO) to solicit employees of New York State in the Security Services Unit at the Fishkill Correctional Facility and at other correctional facilities in violation of a rule of the State on organizational activities. That rule provides for equal access to State premises among competing employee organizations for the purpose of soliciting employee support during the campaign period. Defining this period, it further provides:

... the campaign period shall begin no earlier than 90 days prior to the date upon which the incumbent organization's representation status is subject to challenge under Section 208 of the Taylor Law.

The incidents also involve the State's reaction to TUFCO's actions by, among other things, confiscating designation cards collected by TUFCO at Fishkill on March 4, 1984.

^{1/}There was a third related charge that was covered by the consolidated decision. The Administrative Law Judge dismissed that charge on the ground that the record did not support its allegations of fact. The charging party has not filed any exceptions to that dismissal. Accordingly, that charge is not before us.

The first charge was by New York State Inspection, Security and Law Enforcement Employees, District Council 82, American Federation of State, County and Municipal Employees, AFL-CIO (DC 82). It alleges that TUFCO violated §209-a.2(a) of the Taylor Law by interfering with its right of quiet enjoyment of its status as the certified representative of the Security Services Unit by soliciting support for a challenge to its right of representation in violation of the State's rule. The Administrative Law Judge (ALJ) dismissed this charge on the ground that TUFCO has no Taylor Law obligation to comply with the State's rule. DC 82 has filed exceptions to that decision.^{2/}

The second charge was filed by TUFCO. It complains that the State violated §209-a.1(a) of the Taylor Law by confiscating designation cards which it had solicited in violation of the State's rule. The ALJ determined that the confiscation of the cards was a violation of the statute; he ordered the State to cease and desist from such activities and to return the confiscated cards, but he did not order any posting. Both the State and DC 82, which was permitted to intervene in the matter, have filed exceptions

^{2/}This charge also alleged that the State improperly failed to enforce its own rule, but the exceptions do not address the ALJ's dismissal of this specification.

to the ALJ's finding of a violation.^{3/} TUFECO, in turn, filed exceptions in which it argues that the ALJ's remedy is inadequate.

The sole issue presented by DC 82's exceptions to the ALJ's dismissal of the first charge is whether TUFECO had a Taylor Law obligation to comply with the State's rule. TUFECO violated this rule by entering upon the State premises for the purpose of soliciting support as early as 150 days prior to the expiration of DC 82's period of unchallenged representation.

The ALJ ruled that TUFECO's violation of the State's unilaterally established access rules is not a violation of the Taylor Law. We agree. In State of New York, 10 PERB ¶3108 (1977), we held that the State's denial of access to a challenging employee organization within 90 days of the expiration of the incumbent organization's period of unchallenged representation was a violation of the Taylor Law. In doing so, we noted that this conduct was also violative of the State's own manual.

^{3/}This charge also alleged that the State acted improperly by threatening the offending employees with discipline and otherwise coercing them because of their violations of the rule. The ALJ dismissed these specifications of the charge and no exceptions were filed to that part of the decision.

DC 82 reads that decision as an endorsement of the State's manual. This indeed may be correct, but only to the extent that we held that the State's manual correctly reflected its obligation to permit equal access for solicitation at a time reasonably proximate to when a petition could be filed.^{4/} It does not follow that an employee organization seeking to supplant the incumbent violates any Taylor Law right of the incumbent union to quiet enjoyment of its representative status by soliciting a showing of interest on the employer's premises prior to the 90-day period. Neither does it follow that the State owed a Taylor Law duty to the incumbent employee organization to prevent a challenger from entering upon its premises prior to that 90-day period.

DC 82's reliance upon Gates-Chili CSD, 13 PERB ¶3028 (1980), is misplaced. It merely holds that a public employer is under no Taylor Law duty to permit equal access to a challenging organization except at times proximate to an election and that the grant of access privileges to such an organization at other times would interfere with employees' rights to be represented by the organization of their choice. Thus, whatever merits DC 82's argument

^{4/}Cheektowaga-Maryvale UFSD, 11 PERB ¶3080, 1978, Affd. Maryvale Education Association v. Newman, 70 AD2d 758, 12 PERB ¶7009 (3d Dept., 1979), Lv. to App. Den. 48 NY2d 605, 12 PERB ¶7018 (1979); Board of Education, Kenmore-Town of Tonawanda, 12 PERB ¶3055 (1979).

concerning its statutory right of quiet enjoyment might have at other times, it clearly has no application during the six-month period during which showing of interest designation cards must be signed and dated.^{5/} Accordingly, while TUFCO may have violated a rule of the State, that alleged violation did not violate the Taylor Law.

In their argument in support of their exceptions in the second case, the State and DC 82 assert that the State acted properly in confiscating the designation cards that had been obtained in violation of the State's rule. They contend that confiscation was reasonably necessary to deter further violations and to deny TUFCO the fruit of its wrongful conduct.

The ALJ rejected the argument on the ground that there was a more pressing reason for the State not to confiscate the designation cards. That reason was the maintenance of the confidentiality of those cards. Citing with approval an opinion of the Ninth Circuit in NLRB V. Essex Wire Company, 245 F2d 589, 39 LRRM 2633 (1957), the ALJ ruled

^{5/}See §201.4(b) of our Rules of Procedure. See also Great Neck UFSD, 11 PERB ¶4517 (1978) at p. 4535-36, affirmed on other grounds at 11 PERB ¶3079 (1978). The statutory rights of public employees during this period are set forth in County of Erie, 13 PERB ¶4605 (1980), affd. 13 PERB ¶3105 (1980).

that maintenance of the confidentiality of the names of persons who signed the designation cards is an important protection under the labor relations statutes, including the Taylor Law.

DC 82 contends that the ALJ erred in relying upon the Essex decision because §209-a.3 of the Taylor Law declares that private sector decisions shall not be regarded as binding precedent and maintenance of discipline by public employers is more important than maintenance of the confidentiality of designation cards.

We find that the ALJ gave appropriate weight to Essex as well as to what may be special public sector considerations. He did not rule that a public employer was prohibited under all circumstances from seizing designation cards. On the contrary, he indicated that the State had a legitimate interest in enforcing its solicitation rules and that it might be justified in confiscating cards if they were necessary evidence in a disciplinary proceeding for violation of that rule. On the record before him, however, the ALJ determined that there was no such necessity because TUFCO admitted it solicited the cards on State property. Applying a balancing test, he therefore ruled that the confiscation of the cards at Fishkill constituted an improper practice. We affirm this determination.

DC 82 asserts that even if the State erred in confiscating the cards, it should not be required to return

them now. Instead, it should be directed to destroy them so that TUFACO cannot benefit from the action it took in violation of the State's order.

There may be circumstances when a public employer might properly destroy designation cards without looking at them because the cards were obtained in violation of lawful rules. On the other hand, there may be circumstances when such cards can be used as part of a showing of interest, notwithstanding the manner in which they are obtained.^{6/} Noting that the issue was not presented by any of the charges before him, the ALJ declined to rule on whether the State could have properly destroyed TUFACO's cards instead of confiscating them.

The exceptions relating to the remedy do not make this issue any more material. TUFACO has submitted a sufficient showing of interest in support of its current petition even without the designation cards that the State has been directed to return to it. Accordingly, DC 82's concern that TUFACO will use those cards for a purpose it considers improper is academic. Thus, there is no reason why we need consider DC 82's contention that the State should not return the cards which are TUFACO's property.

^{6/}Compare State of New York, 15 PERB ¶3014 (1982)

In part, TUFACO's complaint about the inadequacy of the ALJ's remedial order is the mirror image of DC 82's last exception. It argues that the order should have provided not only for the return of those designation cards, but for their being counted as part of its showing of interest. As we have said, however, the matter has become academic.^{7/}

TUFACO also argues that the remedial order is inadequate in that it should have provided "more meaningful sanctions" against the State and for attorneys' fees. We reject this argument. Section 205.5(d) of the Taylor Law permits this Board to remedy improper practices by ordering appropriate relief, "but not to assess exemplary damages." TUFACO's request for "meaningful sanctions" is a request for exemplary damages. We also find no such unusual circumstances as would require the awarding of attorneys' fees in the instant proceeding.^{8/}

NOW, THEREFORE, WE AFFIRM the decision of the ALJ and WE ORDER the State:

^{7/}We also note that TUFACO did not make this argument before the ALJ.

^{8/}See Westbury Teachers Assn., 14 PERB ¶3063 (1981)

1. To cease and desist from confiscating TUFCO designation cards,
2. To immediately return to TUFCO the designation cards confiscated at Fishkill Correctional Facility on March 4, 1984, and
3. To post a notice in the form attached at all locations normally used for communication with employees at the Fishkill Correctional Facility.

DATED: January 11, 1985
Albany, New York


Harold R. Newman, Chairman


David C. Randles, Member

APPENDIX

NOTICE TO ALL EMPLOYEES

PURSUANT TO

THE DECISION AND ORDER OF THE

NEW YORK STATE
PUBLIC EMPLOYMENT RELATIONS BOARD

and in order to effectuate the policies of the

NEW YORK STATE
PUBLIC EMPLOYEES' FAIR EMPLOYMENT ACT

we hereby notify employees in the Security Services Unit at the Fishkill Correctional Facility that the State of New York:

1. Will not confiscate TUFCO designation cards.
2. Will immediately return to TUFCO the designation cards confiscated on March 4, 1984.

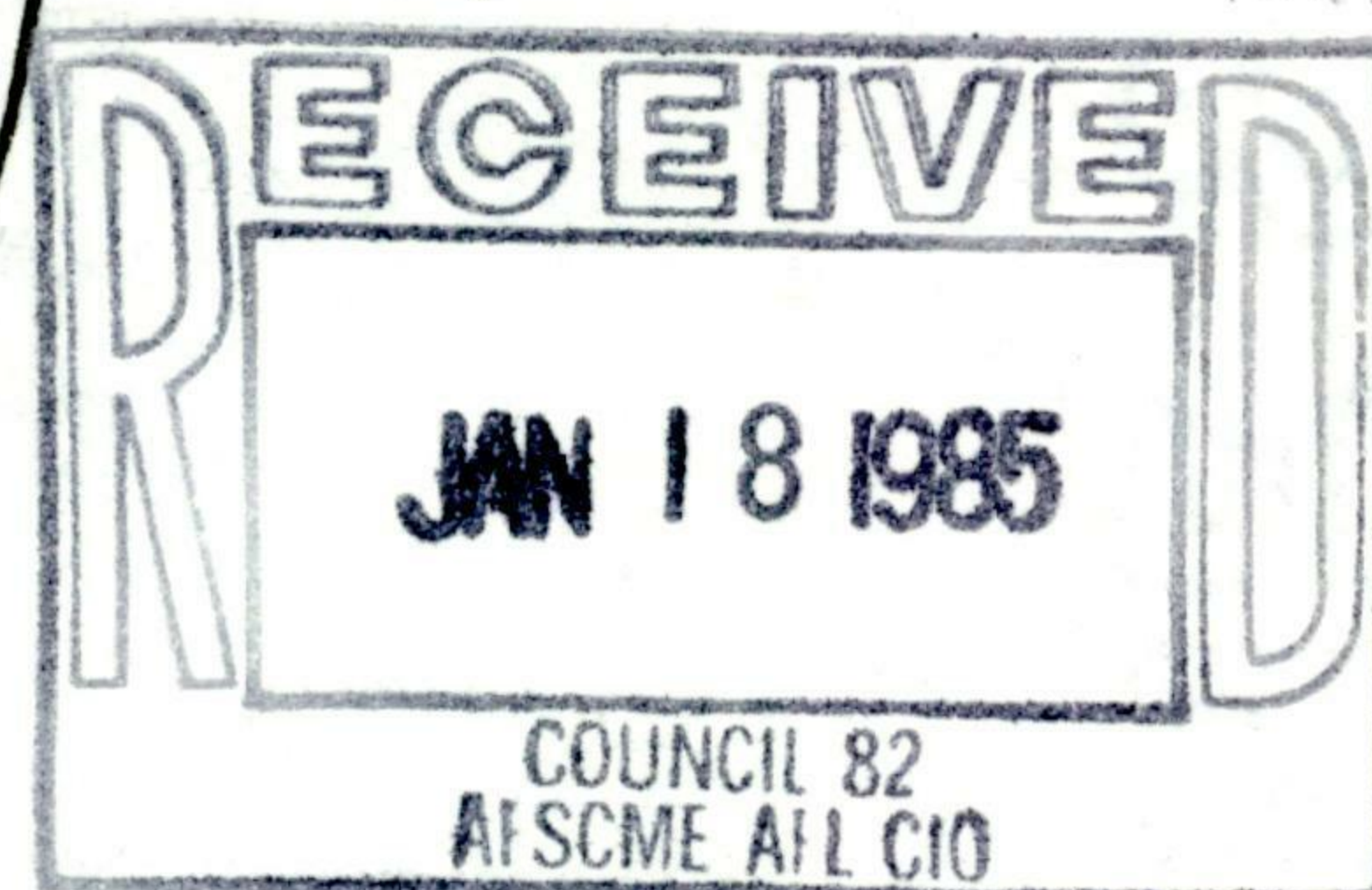
STATE OF NEW YORK

Dated

By
(Representative) (Title)

This Notice must remain posted for 30 consecutive days from the date of posting, and must not be altered, defaced, or covered by any other material.

Tufco Campaign



ROWLEY, FORREST AND O'DONNELL P.C.
ATTORNEYS
90 STATE STREET
ALBANY, NEW YORK 12207
(518) 434-6187

RICHARD R. ROWLEY
THOMAS J. FORREST
BRIAN J. O'DONNELL

RUSH W. STEHLIN
RONALD G. DUNN
MARK T. WALSH, JR.
ROBERT S. HITE
VERLE L. JOHNSTON, JR.
JOHN H. BEAUMONT

January 16, 1985

New York State Inspection, Security
and Law Enforcement Employees,
District Council 82, AFSCME, AFL-CIO
63 Colvin Avenue
Albany, NY 12206

Attention: Mr. John W. Burke
Executive Director

Re: Council 82 v. Tufco
Our File No. 10614

Dear Jack:

I had occasion to be in the area of Hudson Falls on January 12, 1985. I drove by and located Dennis Fitzpatrick's house and that proposed Tufco lodge. As you know, Dennis Fitzpatrick's house is at 10 First Street in Hudson Falls. The Tufco lodge is at the corner of Main Street and Mechanic Street in Hudson Falls. It is 9/10 of one mile door to door. I am enclosing something on that subject which you may wish to use in a flier as the election approaches. In addition, I am sending along an idea Dick had for a flier. I am also sending along a copy of the letter and proposed fliers for Frank Benidetto to file with your records of campaign material.

As the election nears, the content of Council 82's campaign material takes on greater importance. If you wish, we would be happy to review any proposed material before it is published to make sure that we are not putting anything in which would give PERB grounds to overturn an election victory.

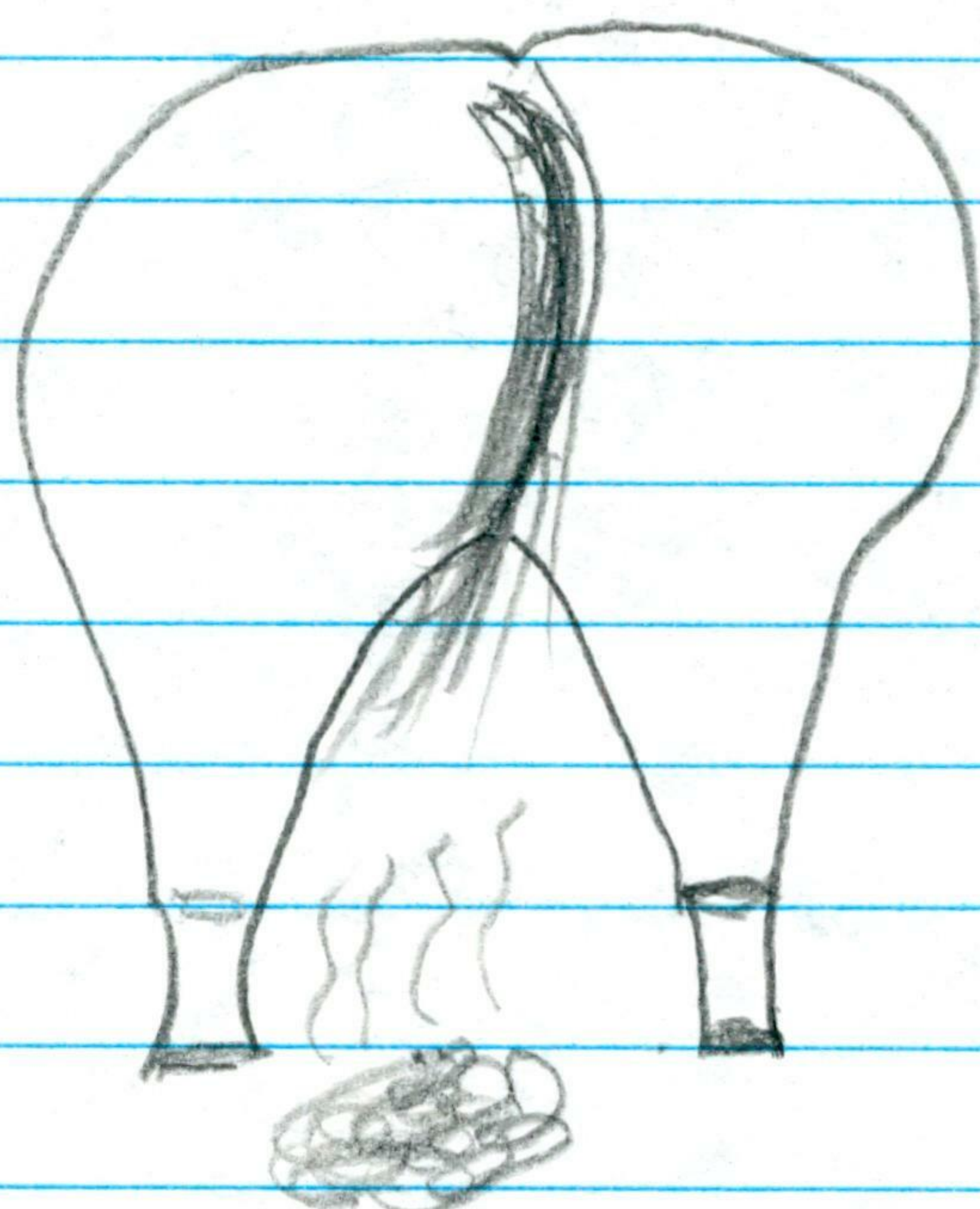
Sincerely yours,

ROWLEY, FORREST AND O'DONNELL P.C.

By *Brian J. O'Donnell*
BRIAN J. O'DONNELL
BJOD/vae
Enclosure

DON'T BE FOOLED

BY PROMISES



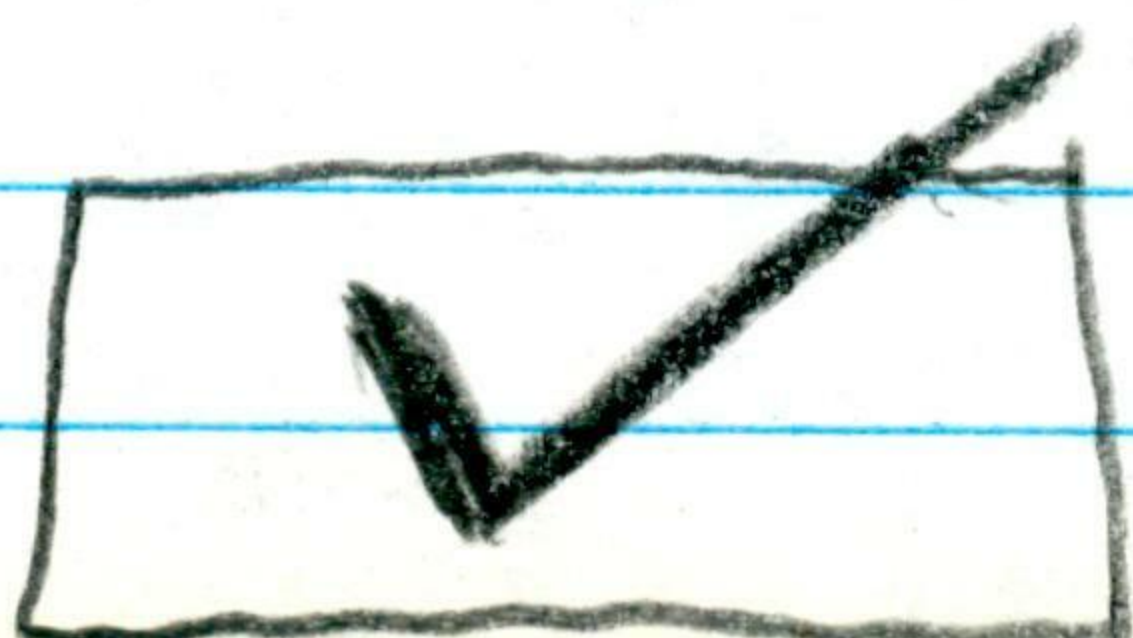
+ntco

Vote For Council 82

A Real Union

Council 82

Atsme, AFL-CIO



the County News

ION NEWS

DAY, FEBRUARY 28, 1985, CATSKILL, N.Y.

42 PAGES

25 CENTS

Council 82 Victorious By 2-1 Margin Over Challenging Rival Union TUFACO

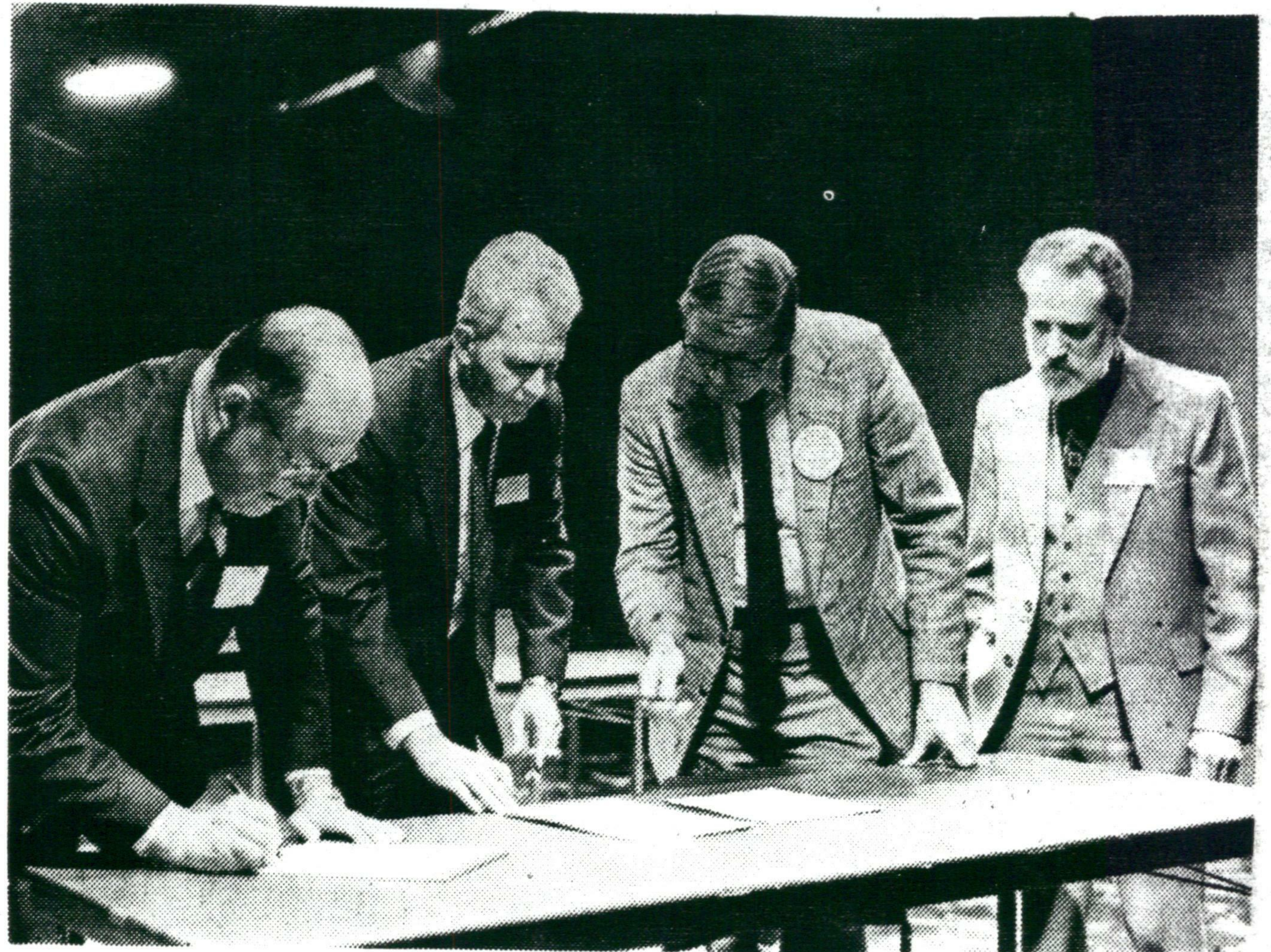
BY STEVEN RICCI
GCN Staff Writer

ALBANY - Council 82, AFSCME, bargaining agent for New York State's 18,000-plus law enforcement officers has decisively defeated rival union, The Union of Federated Correction Officers (TUFACO) by nearly a 2-1 margin in the state-wide election held at the Empire Plaza in Albany Friday.

Scoring 7,733 votes to TUFACO's 4,006, Council 82 won the right to continue representing the state's law enforcement officials, a majority of these being corrections officers, following a vigorous campaign launched by TUFACO through the past several months.

"We're elated," said Council 82 executive director John W. Burke after the election, "the officers have spoken and made clear their choice of who they want to represent them. Now we can get down to the business of negotiating a contract." Burke said he expects contract negotiations to begin within the next two weeks and he added that, in his opinion the 4,006 votes for TUFACO "should not be viewed by the state as a division in ranks" but rather as a final decree of unity. "I think it was a healthy thing for the union. Sometimes people feel that challenge is a good thing. Now we are united," he added.

Dennis Fitzpatrick, president of TUFACO said the ballot counting by the Public Employment Relations Board (PERB) was executed properly and fairly and said his organization does not plan to appeal the election. "We're disappointed naturally," he said, "but I think everything was done properly by PERB. The different philosophies are probably still going to be there but we accept



STEVEN RICCI/GCN Staff

The Results Are Final

AUTHORIZING THE FINAL TALLY at last week's election between law enforcement representative union Council 82 and the Union of Federated Corrections Officers (TUFACO) are, left to right, Richard R. Rowley, Council 82; John W. Burke, executive director Council 82; Ken Toomey, Public Employee Relations Board; and Dennis Fitzpatrick, president of TUFACO. Council 82 won the election by nearly a 2-1 margin, retaining its right to continue bargaining for the state's 18,000-plus law enforcement officers.

the outcome and we're not going to appeal."

TUFACO vice-president, Bruce Farrell also felt the outcome of the election does not represent a division in the ranks of law enforcement officers. However he added that Council 82 spent approximately one quarter of a million dollars on the campaign. "Obviously over 4,000 corrections officers don't believe they were represented

properly. In the future, when contract time comes again we will see what Council 82 has done. I would like to see Council 82 better attend to the needs of its officers and pay more attention to their demands," said Farrell.

TUFACO waged their campaign against the incumbent union on March 1, 1984 when they listed a number of points which they felt Council 82 was

not addressing.

TUFACO claimed that Council 82's support of the death penalty was hypocritical because of the union's support of Governor Mario Cuomo who has repeatedly blocked death penalty legislation. TUFACO also said that Council 82 spent \$750,000 per year of the member's money on affiliation dues and has been a passive union which

(Continued on Page 11)



RICCI/GCN Staff

man, Mark Donald Rausch. A4.

S
nued, "unfor- are points of it or any one of us e'd all like to be here where we own niche in the unfortunate, but portion the way Page 11)

Fire Law

Regulations Enforcement Of- shall be responsi- ing all the rules s and will make ew law available y inquiring to the

rmits ent of fee

County To Help In Grant Application



BULLETIN

From

Security and Law Enforcement Employees Council - 82

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

63 Colvin Avenue, Albany, N. Y. 12206



Phone 518/489-8424

TO: All Members
FROM: John W. Burke, Executive Director
RE: CHALLENGE UPDATE
DATE: December 4, 1984

In August three petitions were filed to carve up the Security Services Bargaining Unit and destroy the unity that all of us have fought so hard to build. At the same time tufco filed a petition seeking to represent the entire bargaining unit, including non-correction titles. When its petition was filed, the tufco constitution became public for the first time and showed that the five original members and officers of tufco were going to keep total control without elections through December, 1988 and that all along they intended to try to represent a bargaining unit including non-correction titles.

Many officers who signed tufco cards couldn't believe their eyes! Not only had tufco petitioned to represent a unit including non-correction titles, which it had said repeatedly that it wouldn't do, but the tufco leaders had also set themselves up in total for four years without any chance of an election. Many officers realized that tufco, the phony union, had peddled a phony bill of goods, so they asked Council 82 to try to get PERB to throw tufco's petition out so that Council 82 could get on with the bargaining. Well, we tried, but PERB has now issued its decision saying that it doesn't care if tufco won't have elections for at least four years. In a nutshell, PERB doesn't care if you want to fall for tufco, the phony union. Well, we know that it matters to you, so it matters to Council 82!

Now, tufco is sitting passively on the sidelines while the State is seeking to destroy employee unity by carving Correction Sergeants out of the Security Services Bargaining Unit. Council 82 will defeat that attempt to break our unity, just like it has defeated the same attempt by the State three times in the past. Soon you will have the chance to tell tufco and its five members by your vote at the ballot box that you are not going to fall for their phony bill of goods and that you are not going to be their meal ticket for the next four years. You'll have the chance soon to tell tufco to get lost and to tell the State loud and clear that the unit is united and that it is united behind THE REAL UNION: Council 82.

MEMORANDUM

TO : Jack Burke
FROM: Kathy McCormack
DATE: December 3, 1984
RE : Status of Phone Numbers and One-On-One Campaign

ONE-ON-ONE CAMPAIGN:

1) Arthur Kill

19	C-82	(Names and addresses of those contacted - many are different from Brigar list)
5	Und.	
2	TUFCO	
<u>26</u>		

2) CNYPC

79	C-82	-Some CO's transporting from downstate facilities (Sing- Sing, Downstate & Fishkill) have been pushing for TUFCO
6	Und.	
2	TUFCO	
<u>87</u>		

3) Elmira

162	C-82	Names and addresses - a lot of new addresses
6	Und.	
0	TUFCO	
<u>168</u>		

4) Wende

58	C-82
3	Und.
0	TUFCO
<u>61</u>	

5) Summit

23	C-82
1	Und.
1	TUFCO
<u>25</u>	

6) Coxsackie
 126 C-82
 40 Und.
 2 TUFCO
168

7) Bayview
 102 C-82
 10 Und.
 3 TUFCO
115

8) Georgetown
 13 C-82
 3 Und.
 2 TUFCO
18

9) Downstate (according to Chet LaDuke)
 386 C-82
 62 Und.
 68 TUFCO
516

10) Monterey
 37 C-82
 2 Und.
 3 TUFCO
42

11) Mid-State
 45 C-82
 2 Und.
 3 TUFCO
50

12) Wallkill
 18 C-82
 13 Und.
 0 TUFCO
31

13) Lincoln
 10 C-82
 8 Und.
 10 TUFCO
28

Council 82 Totals

z	Pro-Council 82	-	1,078	-	80.7%
	Undecided	-	161	-	12.1%
	TUFCO	-	96	-	7.2%
			<u>1,335</u>		<u>100.0%</u>

PHONE NUMBERS:

	<u># Found</u>	<u># Members</u>
Downstate	255	540
Lincoln	13	66
Edgecombe	18	80
Fulton	22	80

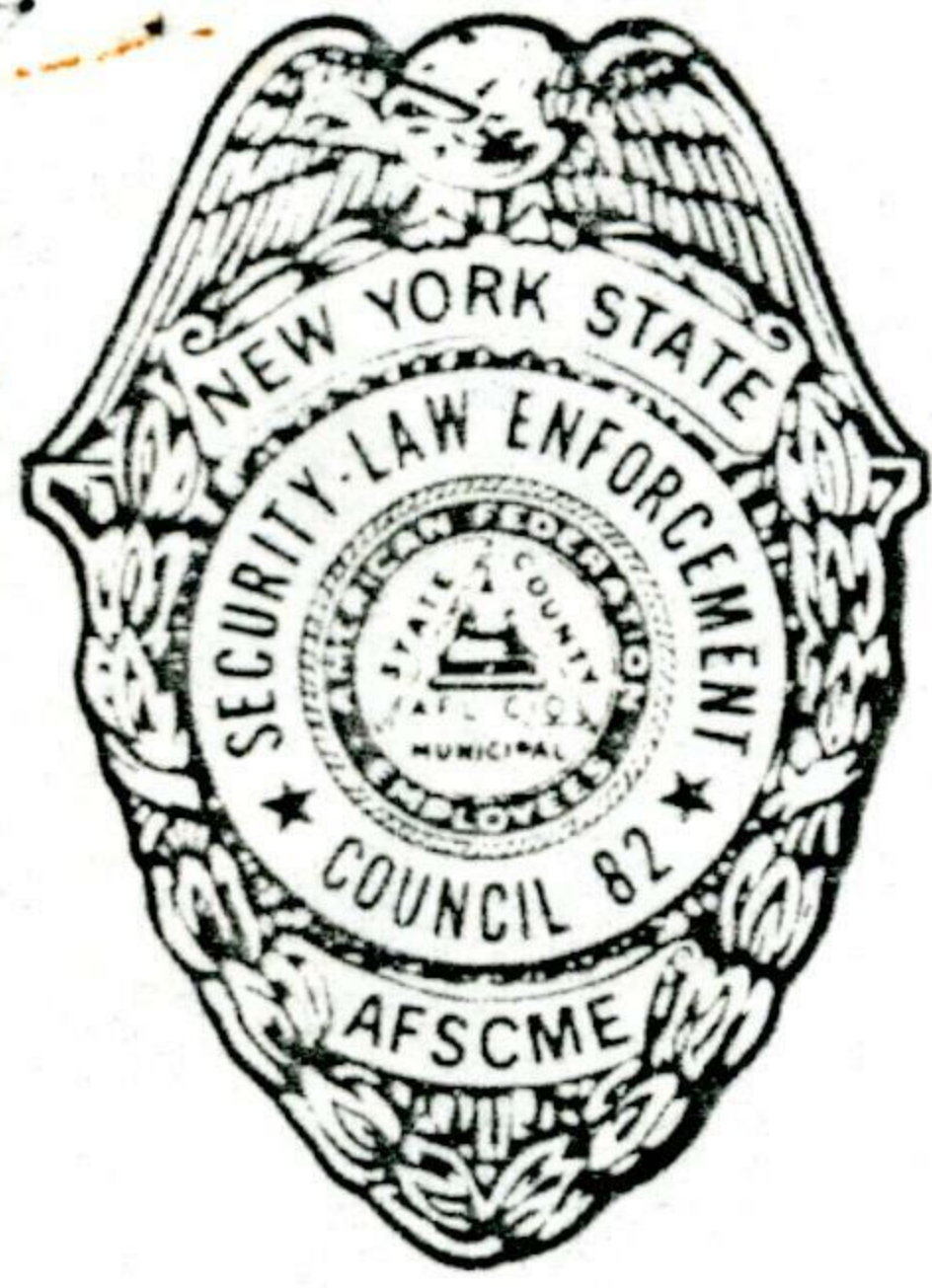
	<u># Found</u>	<u># Members</u>
Great Meadow	351	573
Collins	133	354
Fishkill	295	767
Mid-Hudson	143	291
Mid-Orange	88	308
Otisville	106	255
Mt. McGregor	186	314
Alden	56	131
Long Island	88	377
Clinton	715	924
CNYPC	120	223
Green Haven	198	601
Capital Police	134	274
Coxsackie	212	327
Watertown	146	168
Altona	142	155
Groveland	112	140
Lyon Mt.	67	67
EnCon	125	401
Attica	370	651
Elmira	385	478
Arthur Kill	102	330
Bedford	58	195
Bayview	35	96
Ogdensburg	159	172
Taconic	40	109
Queensboro	41	204
Adirondack	142	219
Albion	84	192
Ossining	224	716
Auburn	225	543
	<u>5,590</u>	<u>11,321</u>

49% of the phone numbers have been found. We have gotten more phone books in, especially for NYC, which should improve the percentage.

Kathy

KM:ss

cc: Frank Benedetto
Chris Gardner



Security and Law Enforcement Employees Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

November 2, 1984

Mr. Ray Rodgers
Corporate Campaign Inc.
16th Floor
80 8th Avenue
New York, NY 10011

Dear Ray:

Enclosed please find two (2) Agreements signed by me on November 2, 1984. Please sign these Agreements and return one copy for our files.

Sincerely,


John W. Burke
Executive Director

JWB:kd

Enc. (2)

file

PAID Nov 14 1984
CHK # 22179
(tw)

AGREEMENT

Agreement dated this 2 day of ^{Nov.}~~October~~, 1984,
between CORPORATE CAMPAIGN, INC. (CCI) and COUNCIL 82,
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL
EMPLOYEES (COUNCIL 82).

1. CORPORATE CAMPAIGN, INC. agrees that it will develop, write, design and where appropriate provide illustrations for up to seven pieces of camera ready campaign literature to aid COUNCIL 82 in its representation election.

2. CORPORATE CAMPAIGN, INC. further agrees to establish a phone bank for COUNCIL 82 to identify and get out the vote. CCI will hold a training session with those staff and membership who will work on the phone bank, for each phase of its operation.

3. The fee payment schedule shall be \$15,000.00 within one week of the signing of this agreement, \$7,500.00 on November 16, 1984 and \$7,500.00 on December 7, 1984, for a total of \$30,000.00.

4. COUNCIL 82 shall only be responsible for receipted expenses for transportation and the type setting of campaign literature.

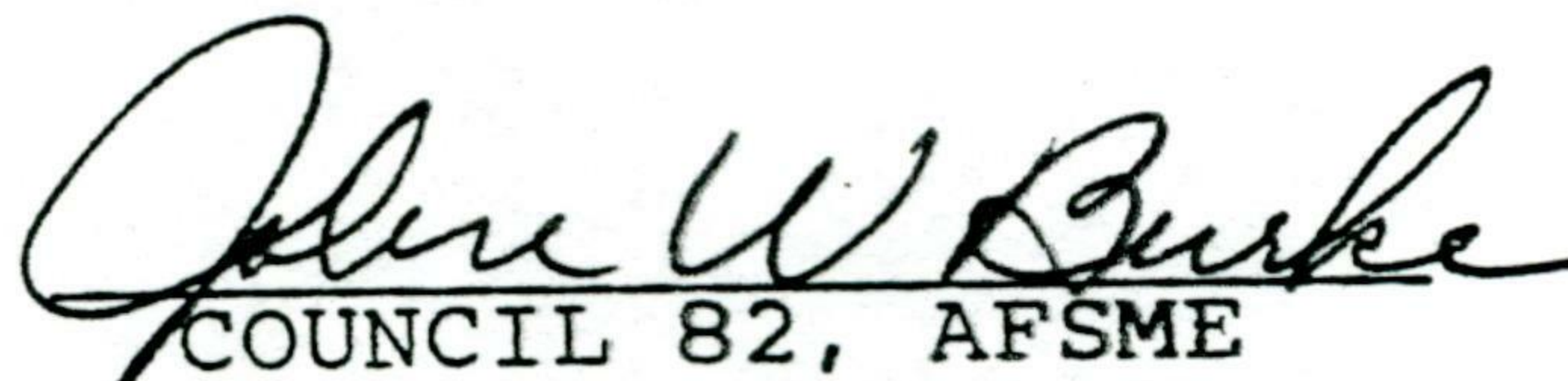
5. It is further agreed between the parties that should COUNCIL 82 receive at least 10,000 votes it will pay CCI a performance bonus of \$5,000 within one week following the certification of the vote by the Public

Employee Relations Board. Should COUNCIL 82 receive at least 12,750 votes it will pay CCI a performance bonus of \$10,000 within one week following the certification of the vote by the Public Employee Relations Board. Should COUNCIL 82 receive less than 10,000 votes no performance bonus shall be paid to CCI.

6. In the event that the campaign should become unnecessary because of a ruling favorable to COUNCIL 82 by the Public Employment Relations Board or any other legal body with jurisdiction over this election it is agreed that the most recent scheduled payment received by CCI from COUNCIL 82 per this agreement shall be deemed the final payment and this agreement shall be ended.

CORPORATE CAMPAIGN INC.

TITLE


COUNCIL 82, AFSME



TITLE

DATE

SECURITY AND LAW ENFORCEMENT
EMPLOYEES COUNCIL NO. 82

A.F.S. C.M.E., AFL-CIO
63 COLVIN AVE.
ALBANY, NY 12206

22179

29-1
213

NOV 14 1984 19

PAY TO THE ORDER OF CORPORATE CAMPAIGN INC.

COUNCIL 82
AFSCME 15000 DOLS 00 GTS

\$ 15,000.00

DOLLARS

STATE BANK OF ALBANY

STATE STREET OFFICE
69 STATE STREET
ALBANY, NEW YORK 12201

Robert R. ...
Thomas E. ...

FOR

⑈022179⑈ ⑆021300019⑆ 011131129⑈



Security and Law Enforcement Employees Council 82

AFSCME, AFL-CIO

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

MEMO

DATE:

November 14, 1984

TO:

Mr. Ray Rogers

FROM:

Frank Benedetto

Subject:

Agreement - 1st Payment

- AS REQUESTED
- COMMENT & RETURN
- FOR YOUR APPROVAL
- TAKE APPROPRIATE ACTION
- CALL OR SEE ME
- FOR YOUR INFORMATION
- NOTE & RETURN
- NOTE & FILE
- FOR YOUR SIGNATURE

Please find attached phase one of the fee payment schedule of our agreement dtd 11-02-1984.

*S Regards
Frank B.*

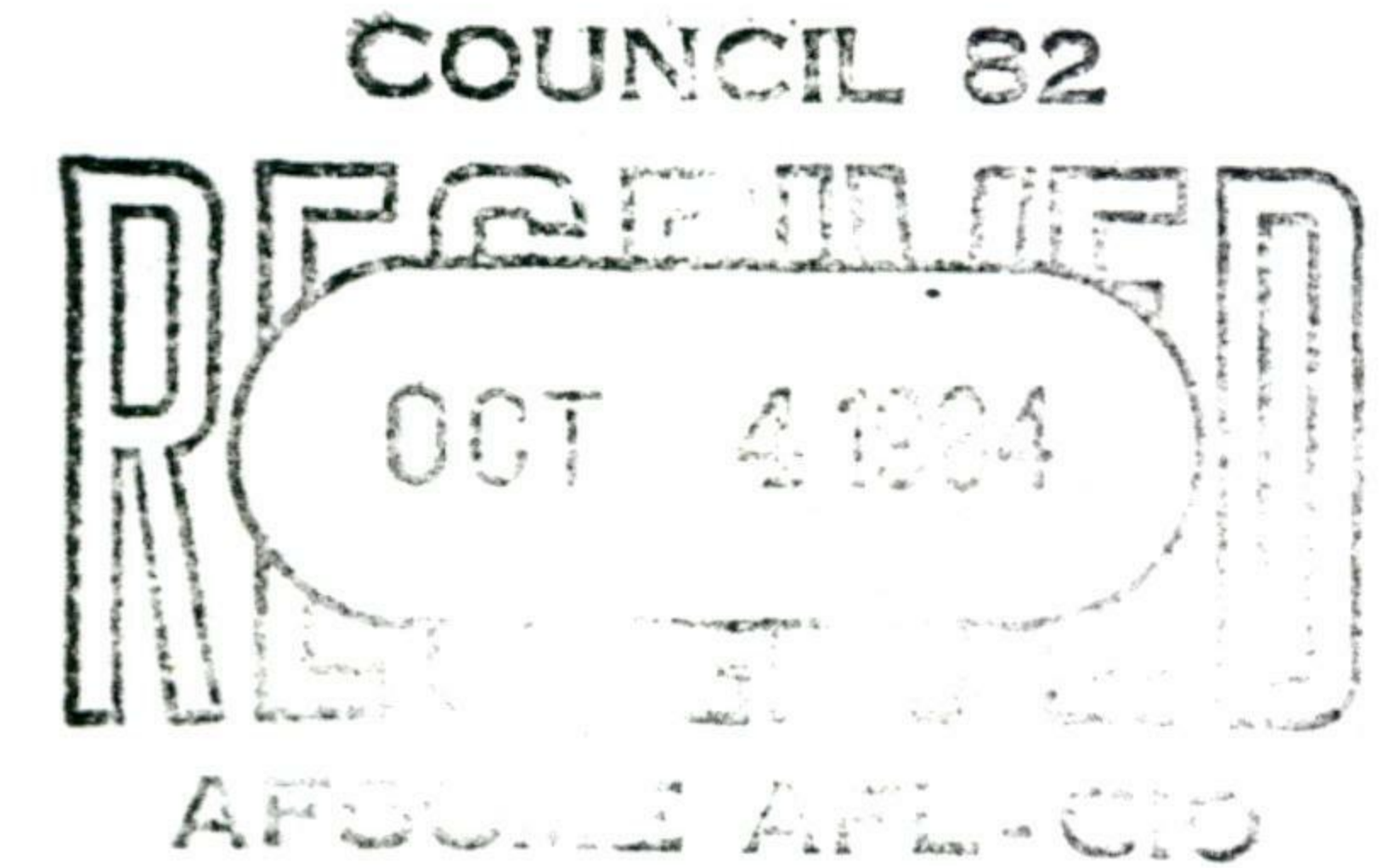


AFSCME®

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

Telephone: (518) 465-4585

October 3, 1984



TO: Phil Sparks
FROM: Stephan Fantauzzo *SF*
RE: PR Activity - AFSCME Council 82; TUFCO-
Decertification

As I am sure you know from your conversation with Frank Benedetto, the United Federation of Correction Officers (TUFCO) has filed a decertification petition against AFSCME Council 82, seeking representational rights for correction officers in New York State. While we are presently attempting to have the petitions thrown out, in all likelihood we will be proceeding with an election.

During the course of our previous meeting with the Council 82 leadership, we discussed the usefulness of a structural float chart, describing to members how they fit into the organization. This chart would start with the AFL-CIO and proceed downward to the member through his local union.

It was my understanding that such a chart either existed within your department or could be easily prepared in a professional manner. Council 82 has requested that chart be made available and I would appreciate receiving that information as soon as possible. Our next scheduled meeting to discuss the TUFCO campaign is October 10, 1984.

SF:dbw

cc: John W. Burke
Frank Benedetto

in the public service

MEMORANDUM

TO : Jack Burke
FROM: Kathy McCormack
DATE: September 27, 1984
RE : Council 82 TUFCO Campaign

I have devised a campaign to win the upcoming Bargaining Rights Election. Please comment, add, subtract, etc.

The campaign will consist of two parts:

1. Phone Bank Campaign
2. One-On-One Campaign

PHONE BANK CAMPAIGN

1. Turn on 15 phones at Council 82 phone bank. These, plus the 15 office phones, make 30 phones a day available for calls. 20
2. Get phone numbers for all locals we have targeted for calling.
3. Schedule all statewide non-corrections locals to call their membership from the Council 82 phone bank (time span - 3 days) - EnCon Officers, Capital Police, Forest Rangers, Safety Officers, SHTA's and University Officers. Call presidents to set up dates.

We would know it was done

<u>Local</u>	<u>Membership</u>	<u># People Calling</u>	<u>Hrs. To Call</u>
Parks	380	5	4
Univ. Sup.	68	2	2
Safety Officers	830	10	4
Univ. Police	350	5	4
Cap. Police	65	2	2
Forest Rangers	120	3	2
EnCon Off.	235	4	3
Mid-Hudson	250	4	3
Central NY	170	3	3
	<u>2,468</u>	<u>38</u> people	<u>27</u> hrs.

20 *Both Council 82 staff and local members will make calls (see attached script).

4. Correction Officer calls can be done by locals and our staff. ²

Prioritize facilities, calling the most pro-Council 82 facilities first, down to the undecided (see attached script).

Pro-Council 82

Arthur Kill	272	Eastern	382
Groveland	131	Wende	113
Otisville	229	Elmira	424
Green Haven	553	Clinton	891
Lyon Mt.	61	Collins	261
Ogdensburg	161	Watertown	209
Albion	159	Altona	132
Attica	608		<u>4,586</u>

8 Days To Call		
Plus - Non-Corrections	+	<u>2,468</u>
		7,054

Undecided

Youth Camps	185	Woodbourne	285
Edgecombe	184	Fishkill	706
Queensboro	170	Coxsackie	292
Taconic	82	Bedford	195
Bayview	76	Ossining	589
Lts.	280	Srgts.	<u>300</u>
Mid-State	125		
Wallkill	150		

7 Days To Call		3,619
----------------	--	-------

No

Mid-Orange	281	Great Meadows	536
Mt. McGregor	284	Gabriels	60
Downstate	470	Auburn	486
Hudson	144	Long Island	352
Adirondack	186	Srgts.	<u>300</u>

3,099

Actual Calls - Canvass Calls:

1. Council 82 Pitch for Correction Locals:

Hello, is () there? Hello, my name is _____ calling from Council 82.

We are calling all our union members to ask their help in keeping Council 82 as their bargaining unit. Did you know that an association has challenged our right to represent you? In the near future, you will be receiving a ballot in the mail from the Public Employees Relation Board on this issue. Can we count on your support for Council 82?

Thank you for your time and support.

Responses:

Mark the following codes next to the person's name you have called:

If a member supports Council 82, mark a Y.
If a member does not support Council 82, mark an N.
If a member is undecided, mark a ?.

2. Council 82 Pitch for Non-Correction Locals:

Hello, is () there? Hello, my name is _____ calling from Council 82.

We are calling all our union members to ask their help in keeping Council 82 as their bargaining unit. Did you know that an association that represents correction officers only has challenged our right to represent you? In the near future, you will be receiving a ballot in the mail from the Public Employees Relation Board on this issue. Can we count on your support for Council 82?

Thank you for your time and support.

Responses:

(Same as above)

After we have identified the "yes" and "undecided", we do a mailing:

- A. "Yes" mailing - thank for support, Council 82 will continue to stand strong on the issues in upcoming negotiations; no give backs in an age of give backs; explain ballot procedure. (from Jack)
- B. "Undecided" mailing - reasons why they should support Council 82; do you want negotiations by amateurs when the State will be demanding give backs. (from Jack)
- C. Non-Correction mailing - (from local president) how good Council 82 is compared to the other association.

Starting two days before the ballot mailing from PERB is done, we call back every "yes" and "undecided", explaining procedure for ballot.

2. Three days before they are mailed, mail a sample ballot with Council 82 circled, to every "yes". Ignore all "no's".

Set up Council 82 tables in all our targeted facilities and have one of the ten election coordinators covering every shift.

Things we will need to do:

1. AFL-CIO is getting us a list of our membership with phone numbers as soon as possible.

Beyond that, we need the local presidents of favorable facilities to try to get phone numbers for the areas the AFL-CIO doesn't have.

Area phone books - Elmira, Plattsburgh, Attica, Buffalo, etc.

A list of our members in targeted facilities.

All this will be used to make our calling lists the best possible when we start to call.

Time frame - NOW! We should start calling by October 15th.

2. Make sure the office has enough stationary for mailing, or printer has available time. I know we have some lightweight envelopes left from the Tier III mailing.

ONE-ON-ONE CAMPAIGN

1. Field Reps:

1. Get names of reliable people in facilities to be election coordinators.
2. Hold meeting with these people for each targeted facility. At meeting, divide membership list among them.

Each coordinator's goal will be to talk with each correction officer they have been assigned. They will explain to the correction officer that Council 82 is being challenged by an association for your bargaining rights. Tell the CO he will be receiving a ballot from PERB in the near future. Provide each CO on list with information on Council 82 - that we're best qualified.

Find out if they are pro or con and record same on sheet in their kit. When the ballots are mailed out, the election coordinator will make sure the "yes" have mailed theirs back, or else the election coordinator will mail it back for them.

In the meantime, the election coordinator will send his list of Council 82 supporters to Albany. We can do a mailing to them from their local president (or if the president is TUFCO, from Jack). We will also call them.

Their kit will contain:

1. Record Sheet
2. Hand-out on why Council 82, and this is Council 82.
3. Letter from Jack to election coordinator on what a valuable job they are doing.
4. Stamped envelope to send record sheet back to Council 82 (there will be a deadline to send them back).