



# The Challenger

VOL. I, NO. 3

The Union of Federated Correction Officers Association

## TUFCO Union Leaders Announce Professional Negotiation Positions

Working in conjunction with our professional negotiator, Michael C. Axelrod, Esq., and our CPA and General Counsel, the TUFCO Union leadership has assembled its preliminary proposals for the collective bargaining contract for 1985.

Finalization of the entire contract proposals will not be completed until this fall, so that input from our local leadership and members can be obtained. However, we believe very strongly that the State should be put on notice that TUFCO Union intends to take a strong stand on the issues that concern you the most.

**Our negotiator:** Michael C. Axelrod, Esq., has a long list of favorable contract negotiations under his belt. His firm presently represents the Metropolitan Police Conference of New York State, Inc., the Nassau County Patrolmen's Benevolent Association, Yonkers Police

in March of 1974 as well as the Florida Bar in December of 1973. He attended the New England School of Law in Boston, Massachusetts, graduating at the top of his class, having received numerous awards and being an editor on the *New England Law Review*. His first years in practice were spent as a criminal defense attorney with the Legal Aid Society of Nassau County, before joining the Law Offices of Richard Hartman in the spring of 1976. He served as managing attorney for Richard Hartman through 1980 and 1981 and received his Masters in labor law from New York University in June 1981.

In addition to being admitted to the New York and Florida Bars, Mr. Axelrod is licensed to practice before the Supreme Court of the United States, U.S. Circuit Court of Appeals, Second Circuit, and The Eastern and Southern Districts of the Federal District Court in New

York. He is also a member of the New York State Bar Association, the New York State Trial Lawyers Association, and the New York State Trial Lawyers Association. He is able to provide the professional guidance that is so important in today's day and age. These people are all hard workers; they are self-made and throughout their entire careers they have shown a dedication to individuals and working people.

**Our general counsel:** Jeffrey H. Brozyna. Jeff's legal practice in Albany, New York, is concentrated in tax law, business law, real estate, retirement planning, pensions, and other employee benefits. He is a graduate of Hobart College and Albany Law School. At one time he was a senior attorney with a national tax and financial counselling firm which provided tax and financial planning for individuals, family businesses, and others in over 35 states, and several foreign countries.

In addition to business law and tax law, he has done legal work for various not-for-profit organizations

and Trust Company (now Key Bank) Estate Planning Award.

• His community work includes works with the Schalmont High School, Mohonasen High School and Draper High School Adult Education Programs, and he is well known in the Albany, New York, area for his seminar work on tax and retirement planning.

**Our certified public accountants:** Arthur Place & Company. Art Place maintains an accounting firm of fourteen professionals in Albany, New York. His firm has a blend of highly trained professionals and sophisticated computer hardware and software. This combination provides efficient and modern service.

Currently, Art Place does accounting work for the Electrical Workers' Pension and Welfare Fund as well as the Apprentice Training Fund. In the past he has done accounting work for the Telephone Traffic Union, the Telephone



Benevolent Association, Suffolk County Police Conference and several Village and City Departments on Long Island, as well as the Port Authority of New York and New Jersey Police Benevolent Association.

A 1969 graduate from the University of Miami in Coral Gables, Mr. Axelrod was admitted to the New York State Bar

labor relations for police unions in Nassau and Suffolk Counties as well as the New York State Police and the Metropolitan Police Conference.

We have also sought input on contract proposals from the rest of our professional staff. By virtue of their expertise and their experience, our staff will

his primary goal has been to help individuals (at all levels) to achieve income tax savings and financial security through adequate tax and retirement planning. In addition he has guided many individuals through very tough IRS tax audits. In 1977 he was a recipient of the National Commercial Bank

Engineers and Structural  
Art's father was a member of the Seamen's Union.

Art Place is a graduate of Bucknell University. He completed a program in labor relations and management accounting. Art was a lieutenant in the military police in Germany in 1960. He was assigned to NATO Security. He was also a graduate of the NATO Security CBR Warfare School.

Art Place is a self-made man who understands the personal and accounting needs of working people.

Therefore, we now list for your consideration our preliminary contract position:

**1. Annuity Fund** — An employee shall be entitled to an annuity fund, contributions to which by the State shall be computed on the basis of five (5%) percent of an employee's daily salary pro-rated on a daily basis for portions of a year worked. Such annuity fund shall be effective as of the date of the employee's appointment and shall be retroactive for employees presently on the force. An employee, who terminates his services for any reason including cause, shall be entitled to the value of his annuity fund in a lump sum cash payment.

**2. Work Schedule** — Four days on, two days off, all shifts.

**3. Birthday Pay** — For an employee who actually works on a day which is his birthday, his hourly compensation shall include, in addition to his regular day's pay, holiday pay, weekend pay, or any other entitlements, compensation payable at the rate of his base annual salary divided by (the number of days a year the employee is scheduled to work

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## ***We must be getting to Council 82***

Over the past several months, the Union of Federated Correction Officers (TUFCO) Union has mounted an aggressive challenge to AFSCME Council 82.

Council 82's campaign to misinform

**The bottom line is that Council 82 has lost touch with its members and is grabbing at straws to maintain their incumbency.**

and distort our positions has hit new lows at Fishkill, Wallkill, Lincoln and Arthurkill.

They have attempted to intimidate people by telling them that if they sign a petition card they may be subject to discipline.

Authors of these handbills (who apparently lack the courage to sign their names) have stated that if TUFCO Union wins the election, you will forfeit your contract rights.

That is totally untrue — and an insult to the members' intelligence.

If what they have stated were true, then an incumbent union would be

seated for life without fear of ever being challenged.

Many unions have undergone challenges within the State of New York and in each case the existing contract stayed in effect until a successor agreement

was reached. This protection is provided for in the Taylor Law (Section 209-A (1) (E)) and the Triborough Amendment.

Perhaps the authors of the Council 82 propaganda would like to make public the case law of statutes that can prove us wrong!

The bottom line is that Council 82 has

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lost touch with its members and is grabbing at straws to maintain their incumbency.

They cannot provide effective nor professional representation. The off-the-wall allegations made in their propaganda are ample proof of that.

TUFCO Union provides experienced professional leadership, professional contract negotiators, top-notch attorneys and accountants and new, innovative programs designed to *serve you* — not the other way around!

You owe it to yourself to let us work for you! We know you won't be influenced by Council 82's tactics of distortion and intimidation.

Respectfully,

Dennis Fitzpatrick  
President, TUFCO Union



# Proposed TUFCA Demands

Continued from Page 1

x 8). For purposes of this section, unless it is a leap year, an employee whose birthday falls on February 29, shall be considered as having his birthday on March 1.

**4. Blood Donors** — An employee shall be given two (2) additional paid leave days up to a maximum of six (6) times per year for each donation of blood, whether such bleeding is given at the official blood day or at the hospital. Blood days so earned shall be considered compensatory time for the purpose of providing cash payment for unused blood days at the time of retirement, resignation, dismissal, or death of the employee.

**5. Bullet-Proof Vests** — All employees, regardless of their assignment, shall be issued bullet-proof vests upon their appointment.

**6. Chemical Tests** — An employee may not be compelled to submit to a chemical test of his blood, saliva, urine, or breath in the case of an internal investigation.

**7. Clothing and Equipment (Providing and Maintaining)** — The State shall provide and maintain clothing and equipment which is ordinarily not part of the quartermaster supplies and shall include but not be limited to the providing of V-Neck undershirts, the cleaning and maintaining of bulletproof vests, shoes, etc.

## **8. College Courses**

(a) Employees, attending college courses, shall be compensated for the cost of tuition, fees, books, and all supplies necessary for the prop-

(30) days of it being determined.

## **12. Death Benefits**

(a) The State shall pay all funeral expenses incurred by the family of an employee who dies in the line or performance of duty to a maximum of Five Thousand (\$5,000.00) Dollars.

(b) Children of members who die while active employees shall be entitled to full tuition scholarships at any State university or State sponsored or assisted college.

(c) The named beneficiary of an employee suffering death in the line or performance of duty shall be paid a sum of money equal to two (2) years' salary plus Ten Thousand (\$10,000.00) Dollars for each minor child in school up to age twenty-three (23) and for each retarded child or physically handicapped child.

(d) The State shall provide time off to attend funeral.

**13. Dental Plan** — The State shall contribute an additional Five Hundred (\$500.00) Dollars a year per active and retired employee towards the premiums of an improved Dental Plan. Both active and retired employees and their families shall be included in this Plan. The Plan shall be selected by the union.

## **14. Disciplinary Procedures**

(a) An employee, who is served with departmental charges and simultaneously prosecuted criminally for the same violation, shall not be tried administratively without his consent until the criminal

litation of the Rules and Regulations resulted from the same acts for which he was exonerated.

(b) Employees served with charges shall be entitled to use the grievance arbitration provisions of the contract wherein the final determination as to guilt or innocence and punishment, if any, will be made pursuant to binding arbitration.

(c) Reports by employees, such as counselling memos, grievance reports, inter-office memorandums, etc., anonymous and unfounded complaints or those on which an employee is found not guilty, and complaints on which an employee is found guilty six (6) months after such finding, shall be returned to the employee immediately upon the completion of any investigation relating thereto.

(d) There shall be a thirty (30) day statute for the State to institute disciplinary actions unless an employee consents to a longer period. The institution of charges shall be considered the serving of charges and specifications. The thirty (30) day period shall begin running from the date the violation is discovered or should have been discovered by reasonable investigation. A determination as to guilt or innocence and punishment, if any, shall be made within thirty (30) days after the hearing is concluded unless an employee consents to a longer period. At the

(e) No employee shall be suspended without pay unless specific charges in writing are served at the time of suspension.

**15. Duration of the Agreement** — One-year contract.

## **16. Duty Charts**

(a) Duty charts shall be prepared and posted ninety (90) days in advance.

(b) There shall be no loss of vacation pick due to a reassignment or shift change.

**17. Comprehensive Medical Exam** — An employee shall be entitled to receive a comprehensive medical exam each year of the agreement paid for by the State. The exam shall include tests for TB, AIDS, EKG, and Typhoid.

**18. Existing Benefits Clause** — All terms and conditions of the previous contract, unless otherwise deleted or modified by mutual agreement, shall be continued in full force and effect in any new contract.

**19. Geographic Pay** — The geographic pay shall be increased to Two Thousand (\$2,000.00) Dollars and provided for employees in all regions.

**20. Gun Permits** — Retired employees shall receive gun permits with the State waiving any fee attached thereto. The State shall reimburse the employee for any local fees paid. For the purposes of this section, an additional permit allowing a retired employee to carry a gun within the City of New York shall also be included in addition to the regular permit in the locality where the employee resides.

**21. Health Benefits (Continuation for Family Upon Death of Employee)** — Any health benefits which shall include but not be limited to Health Insurance, Dental Plan, Optical Plan, Drug Prescrip-



(b) An employee shall be given paid leave for the purpose of attending college courses.

**9. College Credits (Compensation For)** — An employee shall be entitled to Ten (\$10.00) Dollars a credit, for a maximum of one hundred twenty (120) credits, for college courses. Any departmental training which shall include but not be limited to recruit, in-service, and other special training shall be considered college credits for the purpose of this section.

**10. Comprehensive Liability Insurance** — The State shall provide comprehensive liability coverage, which shall mean insurance for all claims arising out of a vehicular accident and shall include but not be limited to liability, collision, including the employee's own car, and medical coverage, including the employee and passengers in the employee's own car, for an employee who is recalled covering both one (1) hour before the time he is due to report for the recall and one (1) hour after the time he is relieved from duty on the recall. For the purposes of this section, an employee traveling back and forth on his regular tour of duty shall be eligible for this protection.

**11. Cost-of-Living Adjustment** — There shall be a cost of living adjustment made six (6) months from the date of the commencement of the contract. Such adjustment shall provide that an employee shall receive the difference between three (3%) percent and the increase in the Consumer Price Index for the New York region for that same period. Such percentage shall be paid to the employee in a lump sum within thirty

criminal action, he may not be tried administratively if such vio-

the charges and specifications shall be deemed dismissed.

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# What this Challenge Is All About

You may well ask yourself, why is this union challenge important? What kind of choice do I have? The answer lies in the fact that this union challenge is a struggle between two different conceptions of what the relationship between the union and its members should be.

In the early days of the union movement in the United States, unions were organizations designed to care for and help their members. The union had a role to play in people's lives. Part of the goal of the union was not only to improve the economic status of its members but to assist the members and their families when they needed help. Since the early days, a great deal has changed in the union movement. All too often the unions themselves have become huge bureaucracies. Like all bureaucracies, they have become impersonal and detached from the people that they serve. The union leadership and the union bureaucrats have become so detached from their membership, that the original purpose of the union has been lost. The union leadership loses touch with its membership. Its membership loses faith in the leadership.

That is what has happened to many labor unions in this country. It has happened to AFSCME. It has happened to Council 82. Council 82 has lost touch

with its membership. It has become a bloated bureaucracy whose primary purpose is its own self-preservation. It no longer exists for the benefit of the members. Somehow, they have come to feel that the members exist for the benefit of the union.

TUFCO Union is committed to re-establishing the time honored relationship between the members and their union. TUFCO Union exists for the benefit of the membership, not the other way around. Not only does TUFCO Union wish to assume the role of bargaining agent for contract negotiation purposes, but the union wishes also to provide programs which will fundamentally improve people's lives. Salary increases, seniority rights and a good contract are important goals to TUFCO Union. Of equal importance, however, are the benefits which TUFCO Union sponsored programs will provide for the members and their families.

The \$500,000.00 a year that the members lose to AFSCME and AFL-CIO will be rechanneled into programs for the benefit of our members. These benefits include tax and retirement planning, income tax assistance, educational funding for your children, disaster relief in times of need, easy access to the union leadership, a computerized grievance system, and legal representation

when you need it. Council 82 cannot provide these programs without raising the dues \$500,000.00 per year. This they cannot do. They lack the expertise. They lack the commitment to the membership that is necessary.

Council 82 is a passive union, a union which has degenerated into a bloated bureaucracy, and a union which lacks the professionalism and determination to represent its members and move on into the future. Council 82 must pay thousands of dollars to a Washington, D.C., polling firm in order to find out what its members think about the important issue. They have simply lost touch with their membership. The leadership of TUFCO Union is made up of men who work with you on a day to day basis. They do not need public opinion polls to tell them what you think. They provide strong and aggressive leadership. They will restore the old balance and proper relationship between the members and the union. TUFCO Union exists for the benefit of the members, not the other way around.

This is an important choice you must make. This is a struggle between two different ways of life and two different ways of looking at the world. TUFCO Union respectfully asks for your support. Your choice should be clear.



# Proposed TUFCA Demands

Continued from Page 2

active or retired employee who ceases.

**22. Health Insurance** — The State shall pay the full cost, with no contributions from the employee, for either individual or family coverage, for any health insurance option selected by the member including but not limited to HMO. This coverage shall continue for current employees who retire and their families, with no contribution from the employee for either individual or dependent coverage. Plans to be selected by the union.

**23. Holiday Pay (Additional Compensation for Hours Worked On)** — For an employee who actually works on a day observed as a holiday and which is his regularly scheduled workday, his compensation shall include, in addition to his regular day's pay and holiday pay, for all hours worked compensation payable at the rate of his base annual salary divided by (the number of days a year the employee is scheduled to work x 8) for each hour worked.

**24. Holiday Pay (If Holiday Falls on Vacation)** — If a holiday falls on a day which would ordinarily be a working day for the employee if he were not on vacation, the employee shall be entitled to his choice of either having his vacation extended by one (1) working day or having eight (8) hours compensatory time on the books which may be carried over from year to year.

**25. Holidays (Number Compensated For)**

Employees shall receive their regular compensation for the fol-

lowing: (a) If an employee is on duty, he shall continue to have full wages and all benefits paid for the entire duration of his disability and until he is able to return to active duty.

**30. Life Insurance Policy** — The State shall provide a life insurance policy for each employee including those who retire and his family in the amount of One Hundred Thousand (\$100,000.00) Dollars, with a double indemnity clause in the event of accidental death to the employee or any member of his family.

**31. Interest Payments** — If an employee makes a proper submission of overtime, travel expenses, overtime meals, per diems, pay increases, etc., and is not paid within thirty (30) days following the date of submission, he shall be paid interest at the rate of twenty (20%) percent per annum prorated appropriately commencing upon the termination of the aforesaid thirty (30) day period.

**32. Longevity** — An employee shall receive longevity payments as follows: five (5%) percent after five (5) years of service and an additional one (1%) percent of base salary more for each year of service thereafter.

**33. Meal Compensation for Overtime** — An employee, who performs overtime, shall be entitled to a meal allowance of Ten (\$10.00) Dollars upon the completion of four (4) hours before or after his regular tour of duty or additional tour of duty and for every four (4) hours of overtime worked thereafter.

**34. Meal Period**

(a) An employee will be provided with a one-hour meal period, and if he is so compelled to

employee shall have the unlimited right to choose outside employment without the approval of the Department. This shall include but not be limited to security work, etc.

**41. Overtime** — No employee shall be required to work another eight (8) hour tour within fourteen (14) hours of a previous tour without the payment of double-time. In addition, all ordered overtime shall be paid at double-time.

**42. Performance Evaluation** — The present performance evaluation grading system shall be eliminated.

**43. Improved Personal Items Clause** — Two Hundred (\$200.00) Dollars per incident.

**44. Personal Leave Days** shall be increased to ten (10).

**45. Preservation of Benefits** — An employee, who is on sick leave due to a line-of-duty or non-line-of-duty injury or illness, shall be continued in the same squad and receive all benefits to which he would ordinarily be entitled had he still been on active duty. This section shall include but not be limited to the continuation of the additional holiday compensation which the employee receives for working on a holiday which will be paid to the employee on sick leave if he would otherwise have been working on that day were it not for his absence.

**46.** An employee shall be entitled to work up to four (4) weeks of his vacation period each year at over-time rates.

**47. Sick Leave Entitlement** — An employee shall be entitled to a twenty-six (26) day sick leave for each full year of service and shall be credited with his full entitlement for that fiscal year on April 1.

**48. Sick Leave (Lack of Confinement and Checking During)** — An employee,

**54. Mutual Swapping** — The mutual swapping of tours of duty and duty days or portions thereof shall be permitted without the approval or any advance notice to the Department being necessary.

**55. Uniform Allowance** — Each employee shall receive Five Hundred (\$500.00) Dollars per year for the purpose of purchasing items not ordinarily purchased by individual employees such as undershirts, shoes, etc.

**56. Unit Work (Protection Of)** — During the term of the contract, there will be no further or additional transfer and/or reassignment of unit work currently and heretofore performed by unit employees without negotiations and/or other unit work currently and heretofore performed by the bargaining unit shall be maintained.

**57. Vacation Accumulation** — An employee may accumulate his annual entitlement of vacation from year to year without any limitation thereon.

**58. Vacation (Cancellation)** — If an employee's vacation is cancelled prior to commencing it, he shall be entitled to any expenditures for which he became liable due to his reliance on the previously scheduled dates of the vacation.

**59. Vacation Entitlements** — The authorized annual vacation period granted to employees after continuous years of service shall be as follows:

A. From one (1) to three (3) years of continuous service — thirty (30) working days.

B. In excess of three (3) years of continuous service — forty (40) working days.

**60. Vacation (Recall From)** — If an employee is recalled from vacation after having commenced it, he shall be given



holidays in two semi-annual lump sum pay checks in addition to their regular salary entitlement:

1. New Year's Day
2. Martin Luther King, Jr. Day
3. Lincoln's Birthday
4. Washington's Birthday
5. Good Friday
6. Easter
7. Memorial Day
8. Flag Day
9. Independence Day
10. Labor Day
11. Columbus Day
12. Election Day
13. Veterans Day
14. Thanksgiving Day
15. Day Before Christmas
16. Christmas Day

**26. Sick Incentive** — If an employee uses no sick leave for a full year, he shall receive five (5) additional personal leave days the following year; if he uses one (1) day, he shall receive four (4); if he uses two (2) days, he shall receive three (3); and if he uses four (4) days, he shall receive one (1).

**27. Increments (For New Employees)** — A new employee shall receive his increments as of April 1st, rather than the employee's anniversary date, with a full year's credit being given for the calendar year of appointment on an anniversary rather than increment date.

**28. Injured Employee (Assistance to Family)** — If an employee is injured in the line of duty, the Department shall provide a vehicle for transporting his next of kin to and from the hospital or place of convalescence and shall continue to do so for as long as necessary.

**29. Injury Protection** — If a member is injured in the line or performance of

thereof due to his official duties, he shall be entitled to overtime compensation for any part so missed, the choice of cash or compensatory time being at his option.

(b) An employee will be excused for a sixty (60) minute paid meal period during each tour of duty.

**35. Transfer Provisions** — No employee shall be transferred to a new duty station without his consent. All requests for transfers shall be granted, based upon seniority.

**36. Mileage Allowance (If Transferred)** — If an employee is transferred with his consent to a new duty station which results in an increase in mileage from the employee's home, he shall be paid a mileage allowance at the rate of twenty-five (\$.25) cents per mile and shall continue to be paid until the expiration of sixty (60) working days from the effective date of the transfer.

**37. Military Leave** — Military leave for reservists shall be granted on the basis of thirty (30) working days rather than thirty (30) calendar days per year.

**38. Minimum Staffing** — A table of organization, providing minimum staffing, shall be provided, and the Department shall comply with it in regard to all post coverages.

**39. Optical Plan** — The State shall contribute an additional Two Hundred (\$200.00) Dollars a year per active and retired employee towards the premiums of an Optical Plan. Both active and retired employees shall be included in this Plan. The Plan shall be selected by the union.

**40. Outside Employment** — An em-

ployee, while on duty, may leave his residence or place of confinement at any time, and the Department may not check, in person or by any other means, his whereabouts.

**49. Sick Leave (No Charge for Partial Tour Missed)** — If an employee reports to duty and then leaves due to illness, there shall be no charge made against his accumulated sick leave.

**50. Upon separation from service, an employee or his legal representative shall be paid, in a lump sum, the value of his accumulated and unused sick leave to the extent of one hundred (100%) percent thereof with no limitation on the total number of days payable. In the alternative, the employee may opt to leave State service early and continue to be paid for the number of working days equal to his total sick leave accumulation.**

**51. Snow and Disaster Days** — An employee, who is absent due to snow or disaster days, shall not have such absenteeism charged against him. In the event an employee reports to duty on such days, he shall receive overtime compensation for all hours worked.

**52. Switching of Tours to Avoid Overtime** — Once the duty chart is posted, no employee shall have his tour switched for any reason without the payment of overtime compensation for all hours worked outside his regularly scheduled tour of duty.

**53. Termination Pay** — An employee, his named beneficiary, or, if none, his legatee or devisee, shall be entitled to cash payment for accumulated terminal leave computed on an entitlement basis of five (5) days for each year of completed service.

time at his sole option.

**61. Vacation (Signing On Sick Leave)** — If an employee becomes ill while on vacation, he may sign on sick leave and have the time subtracted from his sick leave accumulation rather than using his vacation leave time.

**62. Veterans Day** — If an employee, who is a veteran, is compelled to work either Veterans Day or Memorial Day, he shall receive eight (8) hours compensatory time for either holiday so worked.

**63. Wage Increases** — To be formulated.

**64. Lodgings for Transportation of Prisoners** — The State shall be responsible for the costs of all mileage, meals and lodgings when members are directed to transport prisoners in advance.

**65. Hazardous Duty Pay** — Each member shall receive Three Thousand (\$3000.00) Dollars per year for hazardous duty pay regardless of the member's assignment.

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## Your Input

If you have any suggestion or input on contract negotiation, we encourage you to mail your written suggestion to:

TUFCO Union  
Box 310  
Hudson Falls, NY 12839

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# Does The State Do Council 82's Dirty Work?

If you talk to any official of the Governor's Office of Employee Relations or the Corrections Department, they will tell you that the State of New York is neutral as far as the battle between Council 82 and TUFCA Union is concerned. This State neutrality is required by the Taylor Law and by the rules and regulations written up by the Office of Employee Regulations. If you look at the following facts, however, it is very easy to get a different impression.

On March 4, 1983, the State had the audacity to seize 30 confidential signature cards at the Fishkill Correctional Facility. This was done in clear violation of our Taylor Law Rights. In fact, the Lieutenant who seized the signature cards even gave our TUFCA Union representative a receipt! Although the State claims that the signature cards were kept confidential and are being held by the Corrections Department for safe keeping, there is strong indication that a Council 82 representative at Fishkill has found out who signed the signature cards in question.

There have been numerous reports or threats of intimidation made against TUFCA Union supporters at the Fishkill Facility. These activities have been allegedly carried on by Council 82 repre-

sentatives. If these allegations are true, the State's seizure of the signature cards has proven to be very helpful to Council 82.

It is very easy to interpret the State's position on bulletin board space as be-

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**If Council 82 is such an effective bargaining agent as they claim, why is the State so apparently eager to keep them in power?**

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ing prejudicial to TUFCA Union. Council 82 is allowed permanent bulletin board space. They are allowed to post a multitude of propaganda items on their bulletin boards. The State protects Council 82's activities and justifies it as being required under the collective bargaining agreement. On the other hand, TUFCA Union is not allowed to post any of its promotional material in order to set the record straight. TUFCA Union's bulletin boards, when they are granted bulletin board access at all, are limited to the posting of the time and place of TUFCA Union meetings and rallies. The obvious result of all this is that Council 82 is given tremendous advantage by the State.

The O.E.R. Rules and the Correction Department Regulations provide for the granting of meeting space for union ral-

lies. TUFCA Union supporters requested meeting room space in several facilities so that correction officers could hear about TUFCA Union's position and programs, and ask questions about them. This approval was granted. However,

the State then reneged on its permission and denied TUFCA Union access to meeting room space within the correctional facilities. Almost as an afterthought, the State claims that they will also deny meeting room space to Council 82. Here again, the State maintains the façade of neutrality. What in effect happens is that Council 82, with literally hundreds of thousands of dollars available to it for its unionizing activities, ends up with a tremendous advantage.

Council 82 has dozens of members who have been granted paid union leave. These individuals are being utilized for the political destruction of TUFCA Union. TUFCA Union asked for identical treatment as to leave for unionizing purposes from O.E.R. As of May 8, 1984, O.E.R. has shown no inclination to grant TUFCA Union equal treatment.

Our attorneys have done an able job in combating these activities. They obtained a temporary restraining order in State Supreme Court preventing the State from seizing TUFCA Union signature cards. They have filed improper practice charges at PERB against the

originally denied early in May. However, PERB moves slowly and it may take months to undo the damage that the State has done to our cause.

Council 82 is the incumbent union. It takes over three million dollars a year in dues away from its members. It has vast financial resources. It may not have much money to spend on programs for its members, but it has plenty of money when it comes to keeping themselves in power. If Council 82 is such an effective bargaining agent as they claim, why is the State so apparently eager to keep them in power? Why has such a cosy relationship developed over the years? Can it be that the State of New York feels that it is safe and sound with a passive, unaggressive union to deal with? We feel that the answer is obvious.

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## The Challenger

Published by The Union of Federated Correction Officers Association - TUFCA.

Dennis J. Fitzpatrick, President  
Kevin W. Casey, Vice-President  
Bruce J. Farrell, Vice-President  
James Morrissey, Secretary-Treasurer  
Marion Dantzer, Assistant Secretary-Treasurer

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# Council 82 Copies TUFCA Union's Program



has laid out in comprehensive form a list of the various programs that will be instituted after TUFCO Union becomes the bargaining agent for your Securities Services Unit. Council 82 sends over \$500,000.00 of your money to AFSCME and the AFL-CIO every year. Where did this money all go? One thing for certain, it does not get paid back to the membership in any form whatsoever. Just ask anyone who was on strike in 1979. Ask them how much help AFSCME was in our hour of need.

TUFCO Union will take that \$500,000.00 that disappears out of your pockets every year and return it to the membership in the form of additional programs such as prepaid legal, tax planning and retirement planning programs, a computerized grievance system, toll free phone numbers for infor-

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**Now that they are being challenged by TUFCO Union, all of a sudden they have programs galore for their members. But it is all superficial.**

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mation, educational funding, disaster relief for families in need, and lower insurance cost. As we have predicted, Council 82 has copied some of our ideas and is attempting to implement them. As anyone can see, however, Council 82 cannot duplicate our programs unless they intend to raise your dues by \$500,000.00 a year. It is simple arithmetic.

Council 82 is implementing only token programs in order to mislead the

computer system in no way matches the sophistication of the computer system already employed at our accounting firm in Albany. Instead of providing college assistance for every child of a member who wishes to attend college out of an actuarially sound fund, Council 82's program provides assistance for only a tiny fraction of those who wish to attend school.

Their "new and lower insurance rates" are the biggest joke of all. Insurance experts know very well that over the past several years there has been a price war in the insurance industry. There has been a vast reduction in insurance premiums. The cheaper coverage that Council 82 says it can now provide could have been provided at about the same cost two years ago. In fact, Council 82 itself admitted in its November issue of the *Review* that the life insurance rates provided through The United Federation Of Correction Officers, Inc., fraternal organization were cheaper than the insurance provided through Council 82.

For years Council 82 and AFSCME have operated under the delusion that the purpose of a labor union is to take dues from its members, run a big bureaucracy, negotiate a contract every three years and that is it. Now that they are being challenged by TUFCO Union, all of a sudden they have programs galore for their members. But it is all superficial. Unless they spend \$500,000.00, they cannot match our comprehensive program or our benefits.

It is simple arithmetic and it is simple common sense.

cility for TUFCO Union when access was

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# Opinion Poll Backfires on Council 82

As many of you are aware, Council 82 has spent many thousands of dollars in hiring a Washington, D.C., professional polling firm in order to run a telephone public opinion poll. The objective of the poll was to tell Council 82 what their membership was thinking and what their membership felt about TUFCO Union. This is truly incredible! Council 82 which so proudly boasts that they have not lost contact with their membership must spend thousands of dollars and ask a polling outfit what the membership thinks. That was your money they spent. Do you think it was well spent?

The funny thing is that the Council 82 poll backfired. Telephone calls have come in to the TUFCO Union leadership from all over the State. Correction officers everywhere feel that the telephone

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**Council 82 which so proudly boasts that they have not lost contact with their membership must spend thousands of dollars and ask a polling outfit what the membership thinks.**

---

poll was an invasion of their privacy and that the questions were distorted and misleading. The obvious intent of the pollsters was to distort what the true intent of the poll was. Once the telephone interviews continued, however, it became apparent to the people who were called that it was political information that Council 82 was after.

It was also clear from the way the questions were framed that Council 82 is grasping for any sort of issue that they can use to discredit the leadership of TUFCO Union. It is a shame that these types of tactics must be used.

Some people who have contacted us felt that the opinion poll was a joke. Other people felt that it was an invasion of their privacy and that they were misled. Everyone agrees that an organization which truly knows its membership would not have to resort to the costly services of an outside organization in order to find out what its people are thinking.

After TUFCO Union is elected bargaining agent for the Security Services Unit, costly expenditures of this kind will not be necessary. We work with our people and we know what they think. That is what our union is all about.



392-1  
D189

**Important:  
Contract  
Priorities**

*Red*



*Blue*



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COUNCIL 82, AFSCME—AFL-CIO, 63 Colvin Avenue, Albany, New York 12206

**THERE IS STRENGTH IN NUMBERS  
WHEN IT COMES TO  
COLLECTIVE BARGAINING**



*Blue*

*Blue*



**Our fight isn't over.  
That's why we need unity.**

*Red*



Security and Law Enforcement Employees Council 82  
AFSCME, AFL-CIO  
63 Colvin Avenue  
Albany, N.Y. 12206

*Blue*

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**Contract negotiations**

*Red*

**Inside:  
Important  
Contract  
Bulletin**

*Red*

**Business Reply Card Enclosed**

*Blue*



392-2A D189

Whole page  
blue on white

# WHAT ARE YOUR PRIORITIES

We Would Like To Know!

As you know, Council 82 has done a superior job for its members at the Bargaining Table as demonstrated in the 1982-85 Contract Agreement.

It is important to let you know that your input is necessary.

We now look forward to bettering our present level of benefits with your help and innovative ideas for the collective bargaining which will be starting very soon.

We anxiously await your replies.

*Richard J. Bischoff*  
Richard J. Bischoff, President

*John W. Burke*  
John W. Burke, Executive Director

**The Right Union, The Right People, The Right Stuff**



Council 82, AFSCME,  
AFL-CIO



PLEASE LIST YOUR PRIORITIES BY  
WRITING THEM IN THE ORDER OF  
IMPORTANCE TO YOU.

- |             |             |
|-------------|-------------|
| 1) _____    | 6) _____    |
| 2) _____    | 7) _____    |
| 3) _____    | 8) _____    |
| 4) _____    | 9) _____    |
| 5) _____    | 10) _____   |
| OTHER _____ | OTHER _____ |

Sample:

Alphabetical Listing of Areas You  
May Consider:

- |                     |                                  |
|---------------------|----------------------------------|
| Dental Insurance    | Personal Leave (5)               |
| Eyeglass Plan       | Sick Leave (13) <i>SENIORITY</i> |
| Grievance Procedure | Training                         |
| Health Insurance    | Uniform Allowance                |
| Holidays (12)       | Vacation                         |
| Job Bidding         | Workers Compensation             |
| Line-Up Pay         | Working Conditions               |

Other Comments or Pertinent Information:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In preparing for the upcoming negotiations, we are looking for your input, ideas, and suggestions for proposals, and what you think.

"Salary—What Percentage?"

"Increase fringes—What areas?"

"Grievance Procedure—How to Improve?"

"Areas language should be improved?"

"Suggestions for Improved Service."

NOTE:

If possible, please refer to Article #'s and Sections of the present Agreement when suggesting changes.

Item Number \_\_\_\_\_

Work Location \_\_\_\_\_

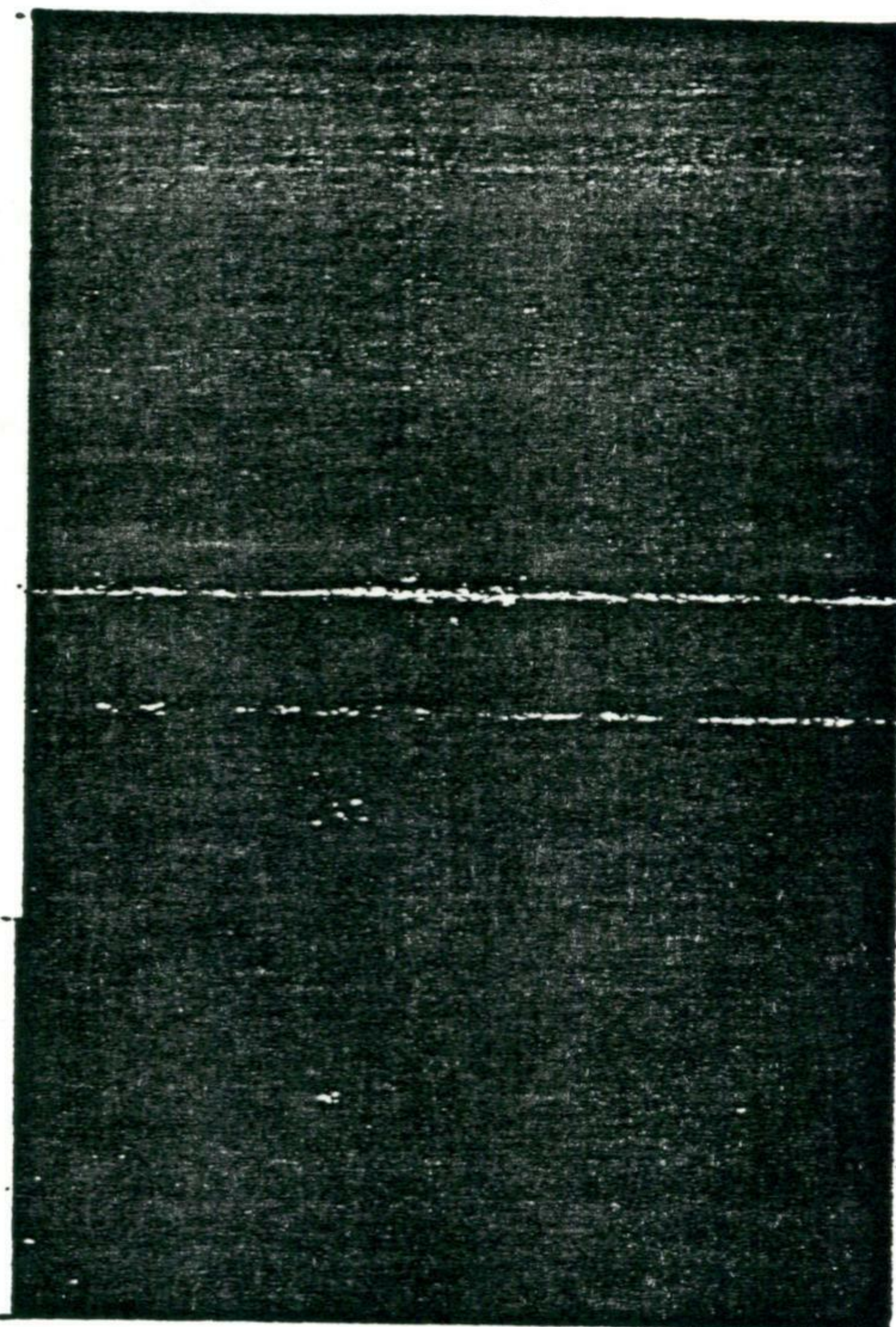
Please fold and tape or staple for mailing



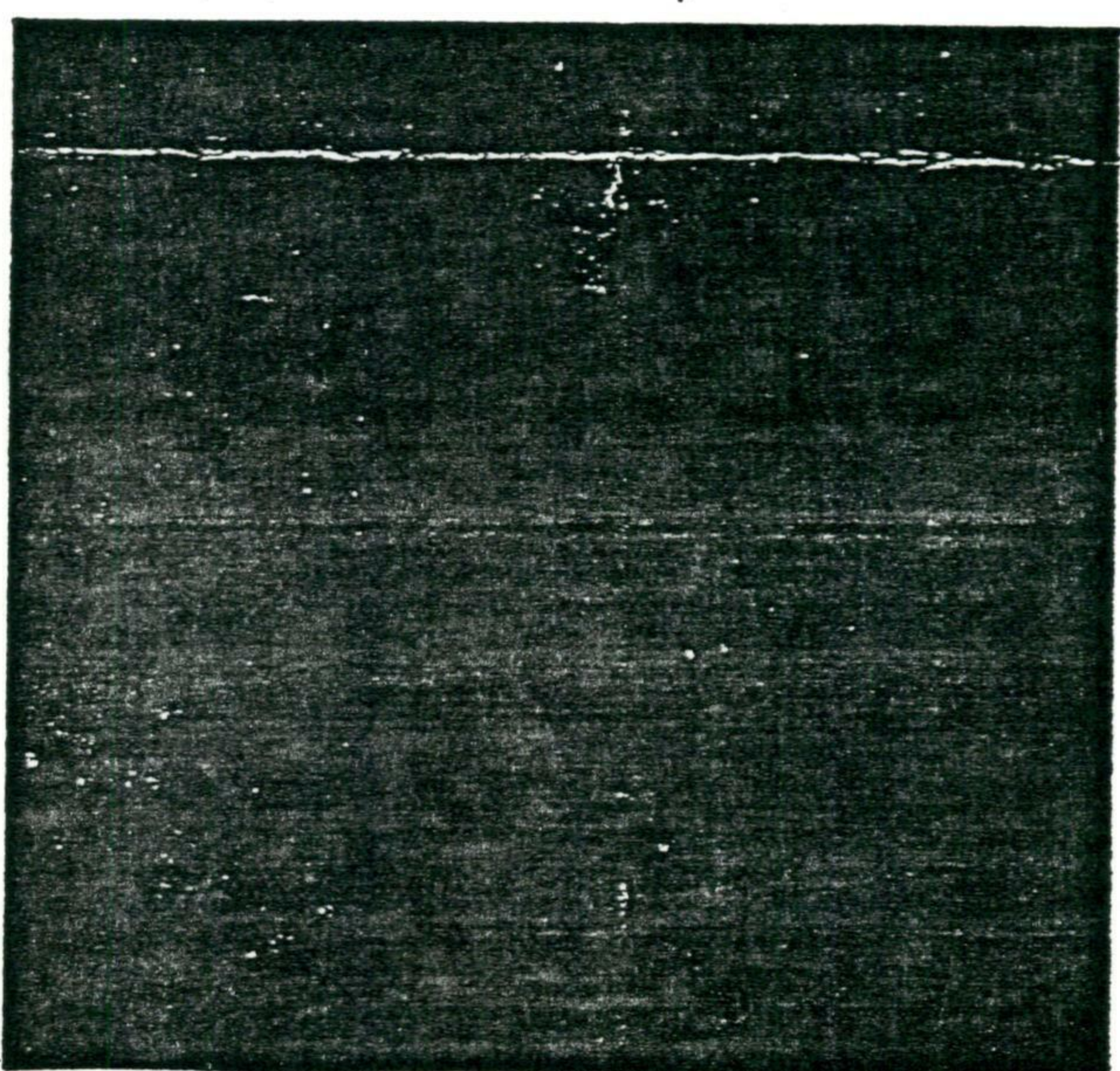
# Giving Members A Voice . . .

AFSCME/Council 82 has a democratic, decentralized union structure which guarantees every member a voice. Each facility has its own local union, officers and constitution.

And, ~~AFSCME/Council 82~~ <sup>to be there</sup> has conducted hundreds of training sessions for stewards, the leadership and the rank-and-file. The seminars are designed to make ~~local~~ <sup>local</sup> leaders more effective while educating the membership about the union contract. In addition, more than 425 quality of work-life programs ~~have been approved and funded by Council 82.~~ <sup>projects</sup>



# . . . And Respect On The Job



Correction Officers are often stretched to the limit by tense prison conditions, excessive overtime demands and insensitive management policies. ~~Council 82~~ <sup>with AFSCME INTS support</sup> has worked hard to improve conditions at correctional facilities.

Working together in ~~Council 82~~, Correction Officers have won improvements in their facilities, including:

- improved staffing, with upgraded training and hiring of new Correction Officers.
- additional space and the building of more facilities to relieve problems of overcrowding.

In addition, Council 82 worked with the AFSCME Research Department to conduct the nation's first stress study among Correction Officers. The study in New York was used in contract negotiations to upgrade special training programs for Correction Officers.



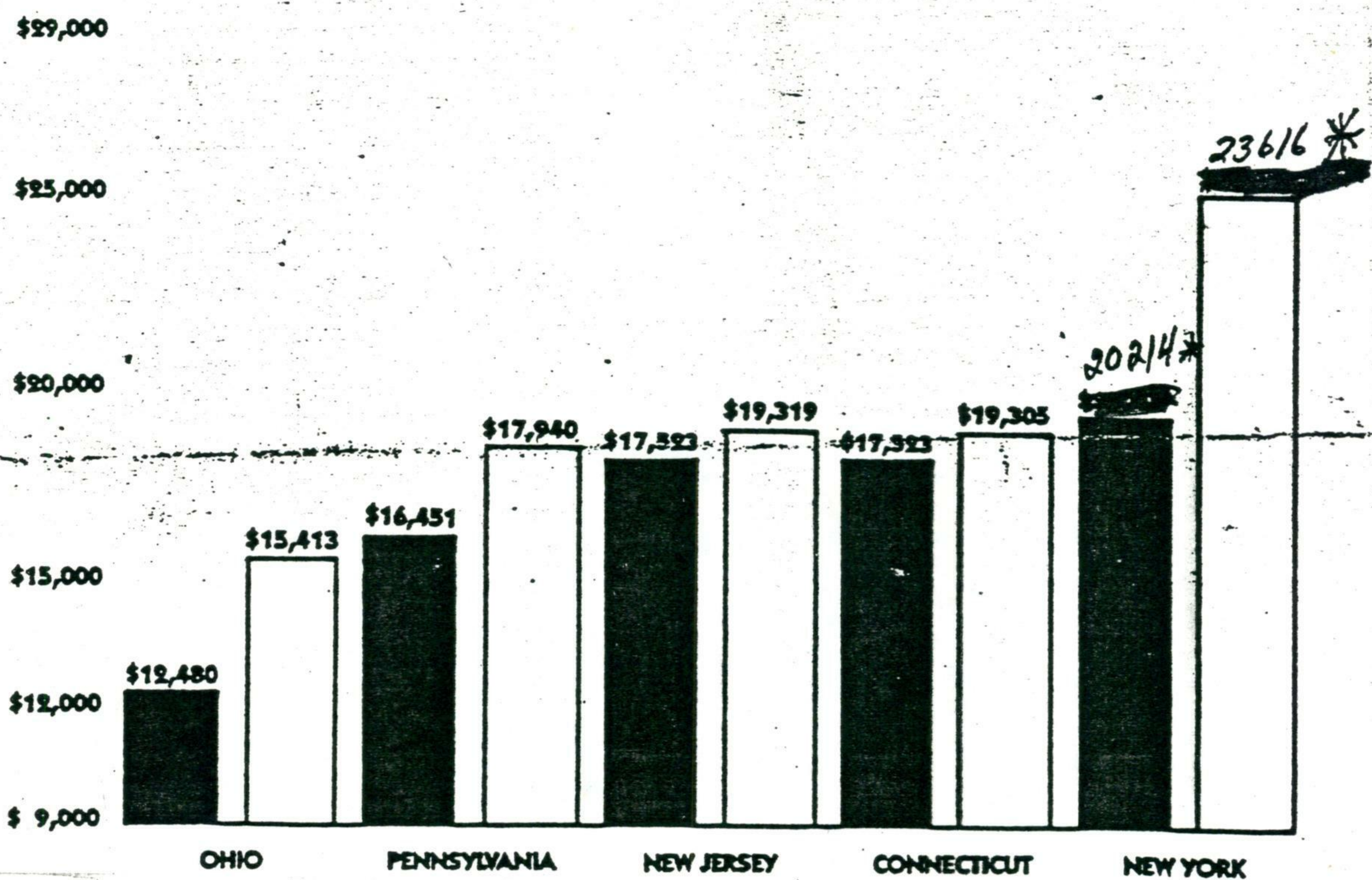
# Fighting And Winning For CO's

AFSCME/Council 82 has won major gains for New York Correction Officers at the collective bargaining table and through legislative action, including:

- the 1982-85 union contract with a 30 percent salary increase and benefits package. The Council 82 contract was the best public employee contract negotiated over the past several years with the state.
- Council 82 negotiated wages for Correction Officers that are among the best in the nation.
- a Council 82 trainee rate for new hires that starts at \$15,900 after six months and moves up to \$20,214 after a year.

- CO's & its members
- INT. a lobbying effort supported by AFSCME ~~public employee members~~ won Correction Officers their own retirement system, a 25-year half pay retirement and improved disability retirement provisions.
  - political and legislative action which forced the Governor and the legislature to restore funds for the Ossining facility when the State threatened to close it.
  - passage of the Omnibus Peace Officers Bill which has benefited more than 80% of Council 82's membership.

## A Comparison of Correction Officer Salaries



HIRING RATE BASE PAY  
 BASE PAY MAXIMUM  
 SALARY SCALE EFFECTIVE 10/1/84 CONTRACT  
 406 RATE

\* "In Addition To The above base SALARIES Add The Applicable <sup>TRAINING</sup> ITEMS:

|                             |                            |                          |
|-----------------------------|----------------------------|--------------------------|
| LINEUP - 936.00             | LOCATION PAY - 200.00      | 10YR-Longevity - 1134.00 |
| Shift Differential - 400.00 | UNIFORM Allowance - 300.00 | 15YR-Longevity - 1134.00 |



August 6, 1984

Letter to the Editor:

As a Correction Officer for the past 21 at Clinton Correctional Facility, I have been closely observing the propaganda and sales pitches of the alleged union called TUFCO. Their sales pitches remind me of the story of the guy, standing on the street corner selling genuine Indian blankets, made in Cleveland. When asked what tribe lived there he seriously answered "The Cleveland Indians!"

It is interesting to note that their strategy has changed from informational meetings to Letters to the Editor. This is understandable, with informational meetings TUFCO has been getting their butts kicked off by legitimate questions by Correction Officers searching for the truth about the TUFCO organization and leaders. Letters to the Editor are easier to spread misinformation without having to answer embarrassing questions like the following:

Question?.....If TUFCO is elected as my representative, I am dissatisfied with any of the present Board of Directors of TUFCO, when can I run for election?

Answer?.....Sorry, not for five years. The Board of Directors of TUFCO has through their Democratic process, elected each other for (5) year terms already.

Question?.....Did the present Director of TUFCO fail to show up for his own picket line the first several days of the Correction Officers' strike in 1979?



Answer.....Yes! While the dedicated members of the Great Meadow Local were pulling long hours on the picket line, the now Director and Father of TUFCO was pulling slot machines in Las Vegas.

The above type of questions are a mere sample of the many questions that are giving TUFCO a heart burn these days, and there are more questions that should be asked when confronted with power brokers selling their wares.

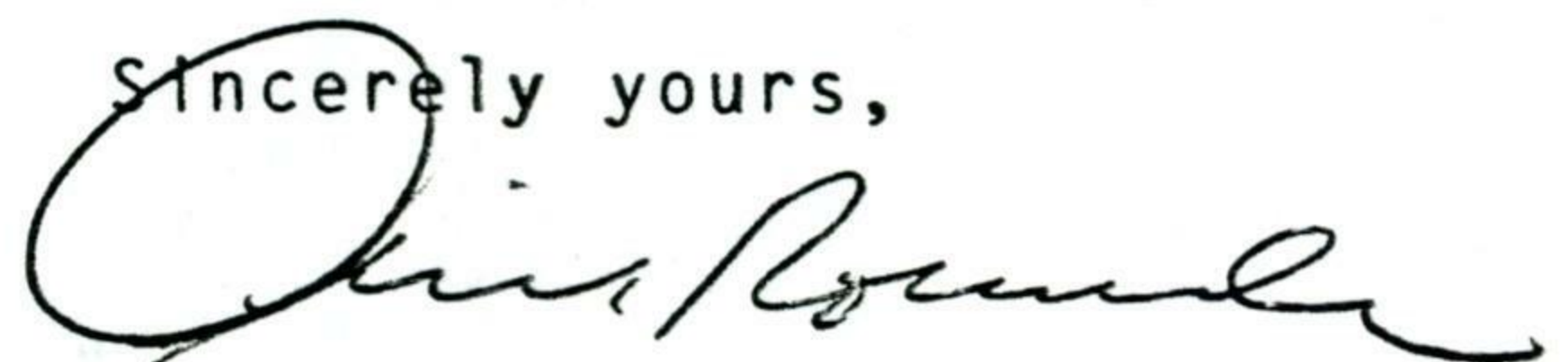
One thing I have learned about Correction Officers during the past years, if nothing else, it doesn't take you very long to recognize a con job when you see one.

So in conclusion, all Correction Officers should take heed to the recent warning by the Attorney General's Office in regards to phoney contractors in the area, doing inferior paint jobs.

It is a well known fact to those of us that have been around a while, that if those several members of the Board of Directors of TUFCO had not miserably failed many times to get elected as President of Council 82, /correction Policy Chairman, etc.....there would be no TUFCO.

Could TUFCO truthfully stand for THE-UNEMPLOYED-FEDERATION-OF-CORRECTION OFFICERS??????????

Sincerely yours,



Tim Rounds  
Correction Officer  
Box 211  
Lyon Mountain, N.Y. 12952





# NEWS RELEASE

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

### COUNCIL 82 NEWS BULLETIN

On October 3, 1984, the Appellate Division of the Supreme Court of the State of New York, Third Judicial Department, censured Brian F. Malone, Esq., the Inspector General of the New York State Department of Correctional Services, in connection with a witness who gave false testimony at Malone's direction during investigatory interviews by Malone of correction officers possibly involved in the use of excessive force at the Downstate Correctional Facility.

The Appellate Court was reviewing a determination of an official referee who had found that Malone had violated a subdivision of the code of professional responsibility.

The Court, rejecting Malone's argument that since he was acting as Inspector General and not as an attorney when he advised the witness to give false testimony, the Court could not discipline him for such misconduct, said:

"Holding a public office, such as Inspector General, is not a shield behind which breaches of professional ethics, otherwise warranting disciplinary action, are permitted. Rather, a lawyer who holds public office must not only fulfill the duties and responsibilities and responsibilities of that office, but must also comply with the Bar's ethical standards."

The Court also found that the referee had properly rejected Malone's argument that his conduct was not unethical because it was



motivated by a desire to protect the witness and Malone's responsibilities as Inspector General. In approving the referee's rejection of that argument, the Court characterized the argument as: "Essentially a contention that the end justifies the means."

The Court also rejected Malone's "argument that as a public official exercising prosecutorial and investigative discretion he should be immune from disciplinary action."

Two judges dissented and would have disaffirmed the referee's report and dismissed the petition.

In commenting on the Court's decision, John W. Burke, Executive Director of Council 82 said: "This union has always contended that instructing witnesses to give false testimony was improper conduct for a state management attorney no matter what his position and the union arranged to have the records of the arbitration proceedings turned over to the New York State Committee on Professional Standards which filed the charges against Malone and prosecuted the case. We are particularly gratified that the Court ruled that holding a public office is not a shield behind which breaches of ethics are permitted and that a public official exercising prosecutorial and investigative discretion is not immune from disciplinary action.

"While the penalty is not severe, the decision clearly establishes that such conduct by government lawyers is a prohibited violation of professional ethics.



"Council 82 defended all three of the accused correction officers throughout the long disciplinary arbitration hearings. As a result of the efforts of Council 82, one of the accused officers, Jose Garcia, has been totally exonerated by arbitrator Johnathan S. Liebowitz, who, in the course of his decision said:

' --The grievance must be sustained and the charges dismissed on the record as a whole. The reasons for this conclusion follow in summary form.

'The most important reason for this conclusion is that the testimony of Correction Officer Robert Lewis, the key witness for the State is not credible as to the events at issue.--Lewis' testimony is internally inconsistent and stands in contrast to the testimony of all other witnesses alleged to have been in the area at the time. There is other evidence in the records which persuasively contradicts the State's case--

'---A fair reading of the evidence indicates that the Department did not investigate fully all of the relevant circumstances.--'

"The charges against Correction Officer Richard J. Egger, Sr., were initially dismissed by arbitrator Charles H. Weintraub who found that:

'--Deliberate dissemination to the Union of misleading and fabricated testimony in my opinion can be more accurately described as a clear abuse of the investigative process which can only be characterized as prosecutorial misconduct of so serious a nature as to,--preclude a favorable arbitration decision for the party engaging in such conduct.'

"A lower Court has held that Arbitrator Weintraub could only decide guilt or innocence and exceeded his authority in dismissing the charges on the basis of prosecutorial misconduct so a new arbitration was ordered. Council 82 appealed that decision.



"In the case of Correction Officer Real A. Bouffard, after many hearings, the arbitrator in his case died before rendering a decision.

"The Department of Correctional Services has now withdrawn all charges against Officers Bouffard and Egger, whose cases were not completed and has issued them a simple letter of counseling which, of course, does not constitute discipline or other punishment.

"In view of Council 82, the exoneration of one officer by an arbitrator and the withdrawal of charges against the other two by the Department of Correctional Services, clearly establishes that the accused officers, Council 82 and its attorneys have been absolutely right in the contention that the accused officers were innocent of wrong doing.

"During the long period which these cases were pending, none of the accused officers lost one day of work.

"Council 82 is proud to have been so successful in protecting the job rights of these fine officers."



Letters

It's Folly to Think More Prisons Confine Crime

To the Editor:

Richard Madden's three articles on jail and prison overcrowding [Sept. 31, Oct. 1 and 2] provided a good three-state — New York, New Jersey and Connecticut — overview of the problem. However, the series offers only a limited peek at the cost implications of overcrowding, the relationship between new state laws, sentencing practices and alternatives to constructing more and more prisons.

The cost implications of overcrowding, for example, are grossly underestimated. New York State should be using the figure \$9.75 billion for 8,600 new state prison beds, not the \$780 million quoted by state officials. The \$9.75 billion represents the costs of capital construction, owning and operating for the 30-year life of the 8,600 additional prison beds; \$780 million reflects only the amount needed to build the additional beds, which is 8 percent of the true and complete cost.

New Jersey and Connecticut, the series notes, have adopted emergency-release legislation as one method to cope with overcrowding. It should also be noted that Michigan, the first state to pass this type of legislation, has used the method successfully for four years. Virtually unexplored in the articles is the resistance of New York officials to adopting this low-cost approach.

Minnesota has had a statewide sentencing-guidelines commission since 1979. It was the first in the country and is the most effective. Minnesota uses both the offender's prior record and severity of present offense to determine the appropriate legal sanction, an approach New York is thinking about adopting. However, the unique feature of the sentencing

guidelines in Minnesota is how the legal sanctions are adjusted, based on the availability of the 2,000 state-prison beds. Minnesota assumes that a state-prison bed is a very expensive, finite resource. Apparently, New York is operating on the assumption that there is an infinite source of public funds to construct an infinite number of prison beds.

Eleven states have adopted community corrections acts since 1965. Colorado, for example, has been sentencing second-time nonviolent felons to programs in work and restitution centers since 1976. One reason there is strong local support for community corrections in Colorado is that state law mandates delegating power to 18 community corrections boards, giving them final say about which offender is accepted into local programs.

It costs Colorado less than \$5,000 to place an offender in a local work and

restitution program; the same offender, if placed in the state prison, would cost \$32,000. Community corrections as a sentencing option reduced court commitments to prison by 24 percent between 1976 and 1982. This has saved the small state of Colorado \$75 million.

The articles assume there is a direct relationship between crime and the use of jails and prisons. There is none at all. It is simply folly to think that building more jails and prisons will have any measurable effect on the general crime rate: For every 500 crimes committed, 100 people are arrested; of the 100 arrested, 11 are put in local jails for a few days or weeks, and 9 are sent to state prisons for an average of 24 months. Even if a state quadrupled its prison capacity, the only measurable effect would be that it would go broke trying to build and maintain so many prisons.

Another issue untouched is the differential effect of putting someone in prison for a few months versus a few years. I am aware of no evidence to support the notion that length of prison sentence is related to recidivism. A short prison sentence (the average term in Scandinavian countries is seven months) will have about the same effect on the offender's behavior after release as a longer sentence of four to seven years will.

Why? The reasons people commit new crimes are not related to how long they are locked up or to what happens while they are locked up, but rather to what happens to them when they get out.

ROGER J. LAUEN

New York, Oct. 4, 1984

The writer was director of community corrections in Colorado from 1976 to August 1984.

NYT 10-15-84  
Parole System Improvement  
Sought by Legislative Panel

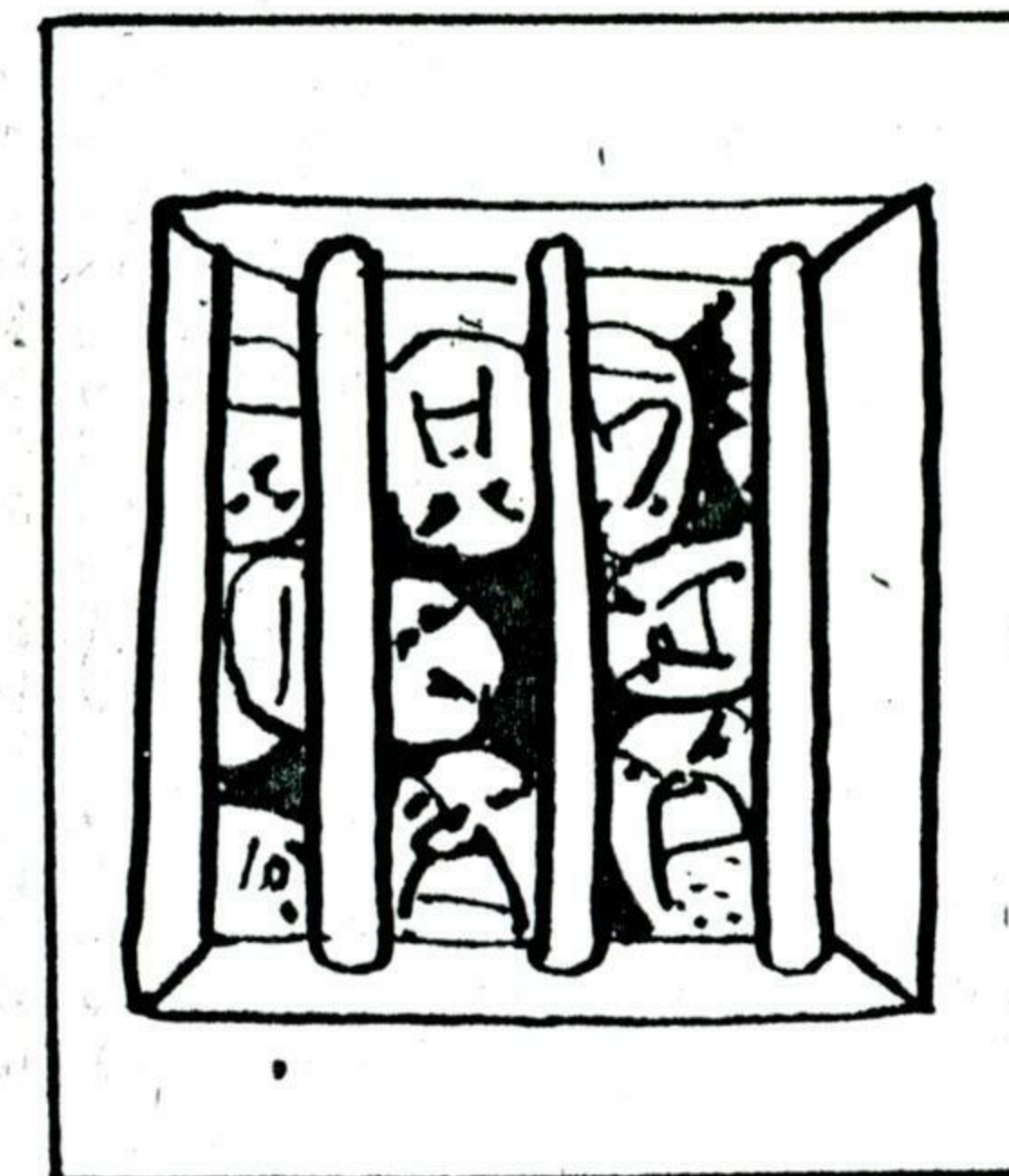
ALBANY, Oct. 14 (AP) — The state could have saved the equivalent of the use of 240 prison cells during the 1982-83 fiscal year if New York's parole system was working better, according to a study by a state legislative panel.

The panel, the Legislative Commission on Expenditure Review, put the possible saving at \$4.6 million, based on lower costs for supervising a parolee — \$1,140 a year — than for housing an inmate — \$15,600 a year.

A major problem, according to the commission, is that adequate release plans often have not been completed when inmates are granted parole. That, the commission said, leads to delays in freeing prison cells.

It also said had found that during the initial phase of a parolee's supervision, only 19 percent of the required office visits were made.

Ramon Rodriguez, the chairman of the State Division of Parole, said he would use the report as "a stepping off point in our drive to markedly improve the services that this agency can, and will, provide."



Douglas Florian



## Officers deserve a better union

To the Editor: Any person who pays dues to a union should have a say in that union. TUFCO believes that any union should be controlled by the dues-paying members. Should a handful of people choose who gets the money and how much? Council 82 — CSEA/AFSCME put our dues money into the Mondale/Ferraro campaign. They also supported Cuomo, who refuses to support the death penalty and many, many others. We, as dues-paying members of Council 82 — CSEA/AFSCME paid for it and did not have any say about it.

Under TUFCO there would be no support for candidates unless the members voted for it and it was approved by the majority.

Council 82 has never allowed its members to elect its president, vice-president and executive board, and they never will. (Three years from now)

In 1988 TUFCO leadership will be voted on by every member, not by a handful of local presidents. As the system is now, all anyone has to do to be elected to a council position is have a few local presidents support him. Each local cast votes for all its members.

How many officers even know who ran for Council 82 offices in their last elections? This is what they call a democracy. We pay the dues and it's time that we had a say in the union. The ex-board of Council 82 is made up of people elected at the convention; 13 voting seats are held by non-corrections; 12 are held by corrections. We are about 13,000 strong out of a 16,000-man union and we do not even have controlling vote of the ex-board. With TUFCO each local president will hold a seat on the ex-board. We will be in control of our future.

Council 82 represents 30 different non-correction groups by choice. TUFCO will represent 10 of these groups because the law says so. They have cut 20 non-correction groups out of our union.

It is time for a change. Correction officers deserve a better union than what we now have.

Phil Dobie  
Saranac Lake

1/28/85

*Press Republican  
Plattsburgh NY*



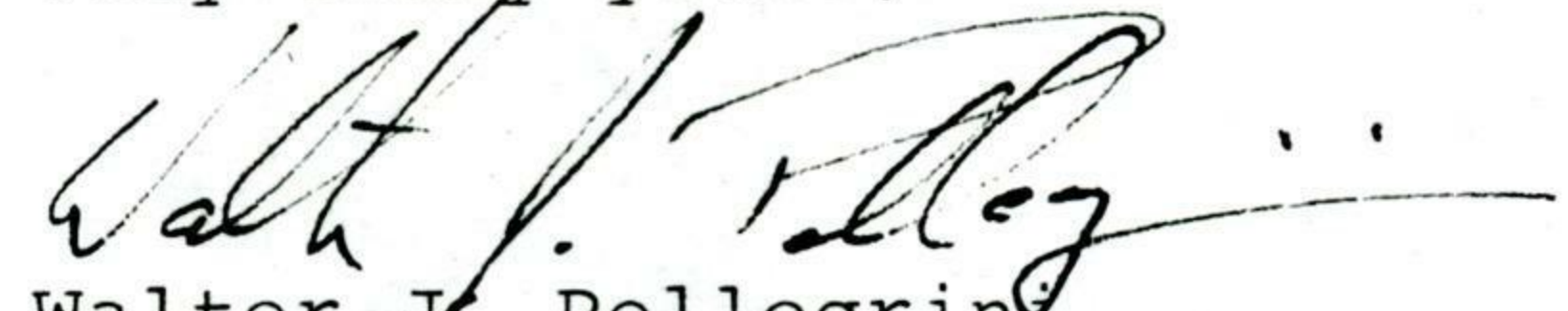
November 14, 1984

John W. Burke  
Executive Director  
Council 82, AFSCME  
63 Colvin Avenue  
Albany, NY

Dear Mr. Burke:

The State of New York intends to continue to negotiate demands submitted by Council 82 for a seasonal agreement. This office hopes to conclude those negotiations to reach a more formal agreement.

Very truly yours,

A handwritten signature in black ink, appearing to read "Walter J. Pellegrini". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Walter J. Pellegrini  
Deputy Counsel



15 November 1984


Council 82, AFSCME, AFL-CIO  
63 Colvin Avenue  
Albany, NY 12206

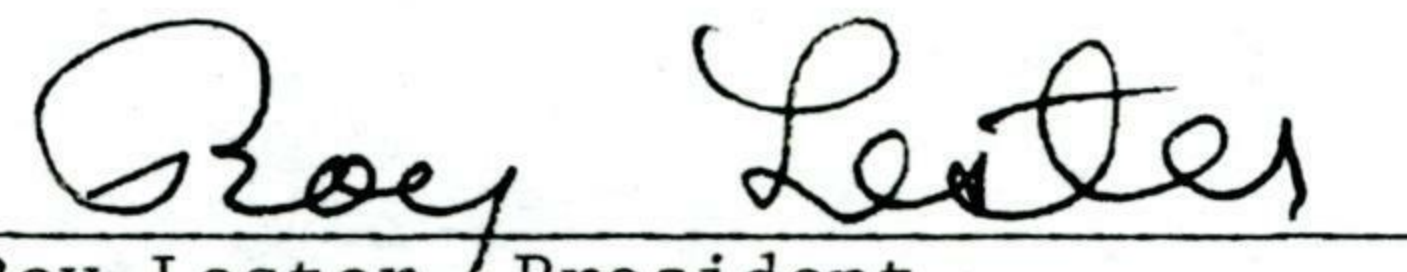
Attn: John Burke, Executive Director

Dear Mr. Burke:

The Jones Beach-Robert Moses Lifeguard Corps hereby withdraws its petition for a separate bargaining unit in Case C-2829. The Jones Beach-Robert Moses Lifeguard Corps understands that Council 82, AFSCME will, continue to negotiate seasonal demands in seasonal negotiations with the State of New York as it has in the past. The Jones Beach-Robert Moses Lifeguard Corps also understands that as AFSCME, Council 82, Local 2744, it will, as it has had, have a participating member on the Council 82 seasonal negotiating committee.

Very truly yours,

By   
Robert Schaufeld  
Axelrod, Cornachio and  
Famighetti, Attorneys  
for the Jones Beach-Robert  
Moses Lifeguard Corps

By   
Roy Lester, President  
Jones Beach-Robert Moses  
Lifeguard Corps





# 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

Dear *Officer Bischert*

## THE ISSUE IS SKILL AND EXPERIENCE

You were recently contacted by phone about the upcoming union representation election. In the coming days, you will be making an extremely important choice. You can vote to continue progress with Council 82 as your bargaining representative, or you can risk losing everything by replacing us with an unproven paper organization, which has never negotiated a single labor contract!

The Council 82 record of achievement is clear, and we're proud of it:

- 32% pay increase over the past 3 years;
- strong seniority system;
- 25 year half-pay immediately upon retirement for all correction officers.
- Even new hires continue to receive 13 sick days and 5 P.L. days.

While other unions have been "giving back", Council 82 has been winning victories at the bargaining table and in the Legislature. Our success isn't based on luck, it's based on skill and experience.

In the upcoming election, you have a choice between a proven, powerful union, Council 82, and an inexperienced, powerless paper organization, tufco. It's that simple. The stakes are high and the choice is clear. Stick with the real union -- stick with power -- vote for Council 82.

Fraternally,

  
Richard J. Bischert  
President

  
John W. Burke  
Executive Director

JWB:kd



STATE OF NEW YORK  
PUBLIC EMPLOYMENT RELATIONS BOARD  
INSTRUCTIONS TO ELECTION OBSERVERS\*

DUTIES (General):

1. Act as checkers and watchers.
2. Assist in identification of voters.
3. Challenge voters and ballots. Challenge voters only for good cause.
4. Otherwise assist agents of the Board.

THINGS TO DO (Specific):

1. Identify voter.
2. See that only one voter occupies a booth at any one time.\*\*
3. See that each voter deposits a ballot in the ballot box.\*\*
4. See that each voter leaves the voting room immediately\*\* after depositing his ballot.
5. Report any conflict as to the right to vote to the agent of the Board at your table.
6. Remain in the voting place until all ballots are counted in order to check on the fairness of the count, if ballots are counted at that time. If they are not counted immediately you will be informed as to when and where ballots will be counted.
7. Report any irregularities to the Board agent as soon as noticed.
8. BE ON TIME.

THINGS NOT TO DO (Specific):

1. Give any help to any voter. Only an agent of the Board can assist the voter. \*\*
2. Electioneer any place during the hours of the election.\*\*
3. Argue regarding the election or any other matter.
4. Carry any weapon.
5. Leave the polling place without the agent's consent.
6. Wear any indication of the organization which you represent which is not provided by the Board agent.  
This includes badges, buttons, placards, electioneering devices, etc., including advertising on any article of clothing. The board agent is the sole arbiter as to the type of identification to be worn during the election.

As an official representative of your organization, you should enter upon this task with a fair and open mind. Conduct yourself so that no one can find fault with your actions during the election. You are here to see that the election is conducted in a fair and impartial manner, so that each eligible voter has a fair and equal chance to express himself freely and in secret.

\* These instructions are subject to modification if the procedure adopted for an election so requires.

\*\* Applies to on-site elections only.

PUBLIC EMPLOYMENT RELATIONS BOARD

PERB 37 (1-85)

*copy 1-9-85*  
*Dick*  
*Puma*  
*Frank JWB:ka*



54'

DOOR

TUFCO

TUFCO

STATE

STATE

SMOKING AREA

DOOR

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DC 82

DC 82

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STAGE

30'

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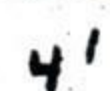
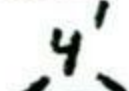
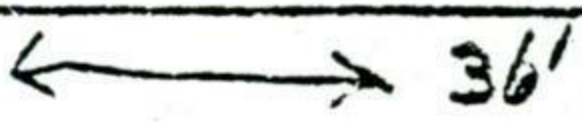
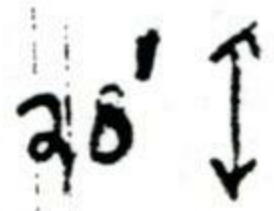
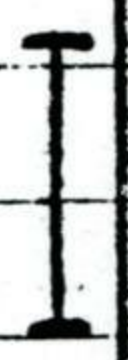
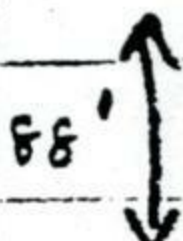
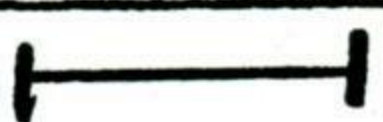
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# The Challenger

VOL. 2, NO. 2 February, 1985

The Union of Federated Correction Officers Association

## Vote For TUFCO Union In Upcoming Election

### TUFCO Union Assembles its Professional Contract Negotiation Team

Working in conjunction with our professional negotiator, Michael C. Axelrod, Esq., and our CPA and General Counsel, the TUFCO Union leadership has assembled its negotiating team for the 1985 contract.

Finalization of the entire contract proposals were not completed until this fall, so that input from our local leadership and members could be obtained. However, we believe very strongly that the State should be put on notice that TUFCO Union intends to take a strong stand on the issues that concern you the most.

**Our negotiator:** Michael C. Axelrod, Esq., has a long list of favorable contract negotiations under his belt. His firm presently represents the Metropolitan Police Conference of New York State Inc., the Nassau County Patrolmen's Benevolent Association, Yonkers Police Benevolent Association, Suffolk County Police Conference and several

Village and City Departments on Long Island, as well as the Port Authority of New York and New Jersey Police Benevolent Association.

A 1969 graduate from the University of Miami in Coral Gables, Mr. Axelrod was admitted to the New York State Bar in March of 1974 as well as the Florida Bar in December of 1973. He attended the New England School of Law in Boston, Massachusetts, graduating at the top of his class, having received numerous awards and being an editor on the *New England Law Review*. His first years in practice were spent as a criminal defense attorney with the Legal Aid Society of Nassau County, before joining the Law Offices of Richard Hartman through 1980 and 1981 and received his Masters in labor law from New York University in June 1981.

In addition to being admitted to the New York and Florida Bars, Mr. Axelrod is licensed to practice before the

Supreme Court of the United States, U.S. Circuit Court of Appeals, Second Circuit and The Eastern and Southern Districts of the Federal District Court in New York. Mr. Axelrod engages primarily in labor relations for police unions in Nassau and Suffolk Counties, as well as the New York State Police and the Metropolitan Police Conference.

We have also sought input on contract proposals from the rest of our professional staff. By virtue of their expertise and their experience, our staff will be able to provide the professional guidance that is so important in today's day and age. These people are all hard workers, they are self-made and throughout their entire careers they have shown a dedication to individuals and working people.

**Our general counsel:** Jeffrey H. Brozyna. Jeff's legal practice in Albany, New York, is concentrated in tax law, business law, real estate,

retirement planning, pensions, and other employee benefits. He is a graduate of Hobart College and Albany Law School. At one time he was a senior attorney with a national tax and financial counselling firm which provided tax and financial planning for individuals, family businesses, and others in over 35 states, and several foreign countries.

In addition to business law and tax law, he has done legal work for various not-for-profit organizations.

Since he has been in private practice, his primary goal has been to help individuals (at all levels) to achieve income tax savings and financial security through adequate tax and retirement planning. In addition, he has guided many individuals through very tough IRS tax audits. In 1977, he was a recipient of the National Commercial Bank and Trust Company (now Key Bank) Estate Planning Award.

His community work includes works with the Schalmont High School, Mohonasen High School and Draper High School Adult Education  
**Continued on Page 2**

## The Membership of the Union of Federated Correction Officers Bill of Rights

We, the members of the New York State Security Services Unit, in order to bring about better working conditions and a brighter future for ourselves and our families, and in conjunction with The Union of Federated Correction Officers (TUFCO Union), which pledges itself to helping us attain these rights, hereby decree that the following rights and privileges should be ours from this day forward.

**FIRST:** We have the right to safe working conditions without the fear of physical or verbal abuse or violence. We have a right to be backed up by our union and by the State of New York in our efforts to secure these conditions.

**SECOND:** We have a right to the support, understanding, and appreciation of the public as our work is both important to society and necessary to law and order in our society.

**THIRD:** We have a right to a union

which will represent us in an aggressive and professional way.

**FOURTH:** We have a right to a professional contract negotiation team.

**FIFTH:** We have a right to "Independence" and to "Home Rule" by a union which specializes in law enforcement, and which can run itself without taking orders from outsiders in a distant international.

**SIXTH:** We have a right to the same types of special programs as do employees who belong to innovative unions such as prepaid legal services, lower insurance rates, computerized grievance systems, educational programs for our children, retirement planning, income tax planning and disaster relief.

**SEVENTH:** We have a right to legal representation in major disciplinary proceedings brought against us.

**EIGHTH:** We have a right to a  
**Continued on Page 2**

## AN OPEN LETTER TO OUR SUPPORTERS

In August, TUFCO Union submitted its petition cards to the Public Employee Relations Board as required under the Taylor Law. In order for a challenging union to bring about a representative election with the incumbent union, the challenger must get 30% of the bargaining unit to sign petition cards in its favor. This TUFCO Union did, and there is no doubt that TUFCO Union will win the representational election between TUFCO Union and Council 82 which has been called by PERB.

The TUFCO Union movement was begun by five individuals. However, these five men alone could never have been successful. We have been successful because of grass roots support we have had from individuals just like you all over the State. We have been successful, and we are only one step away from displacing Council 82.

Those of you who have worked for TUFCO Union number in the hundreds and TUFCO Union supporters number in the thousands. We wish to thank everybody who signed a petition card in our favor. We would like to thank everyone who has helped

distribute our literature and everyone who has helped man the telephones. We wish to thank everyone who has supported TUFCO Union by oral statement, written word and by example. Without you, we never could have gotten off the ground.

We would like to give a special thanks to those of you who have donated money as well as their time to our efforts. Any donation made to TUFCO Union will be applied to your first year's dues payment when we are victorious.

Your efforts have made possible a better future for yourselves and your families. The benefits of an aggressive and professionally run union can be tremendous and, in addition to the collective bargaining agreement, our union has the capability of providing independent programs for its members and their families. TUFCO Union can get its message across and together we can fight to stop the erosion of correction officers' authority and safety and bring a better future for you and your families.

Despite all of your work and all  
**Continued on Page 4**



# 82 Makes No Progress on Death Penalty Legislation

**Council 82 claims it supports the Death Penalty, but 82 and AFSCME Support Cuomo, the man most responsible for the current state of affairs.**

As you all know, Lemuel Smith sits in his jail cell at Comstock, convicted of several murders. His most recent victim was Correction Officer Donna Payant. He killed her, dismembered her, and threw her body out with the garbage. The taxpayers spent hundreds of thousands of dollars to prosecute him. The trial court sentenced him to death in the electric chair. Early in July, the Court of Appeals, by a 4 to 3 vote, held unconstitutional the State statute requiring the death penalty for a person serving a life sentence who was found guilty of killing a correction officer. Lemuel Smith sits in his cell completely unpunished.

On the other hand, four correction officers at Downstate Correctional Facility are under suspension for allegedly using excessive force against inmates. The suspensions handed out against them were apparently based purely on uncorroborated testimony from convicted felons and other prisoners.

Lemuel Smith, a murderer, goes unpunished. At the same time, innocent correction officers are suspended based on convicts' testimony. "How did the world ever come to this?"

The answer unfortunately lies with Council 82, and its parent organization, AFSCME, a passive union.

There can be little argument over the fact that the man primarily responsible for there being no death penalty legislation in this state is Governor Mario Cuomo. There is also no contesting the fact the AFSCME and Council 82 supported Governor

Cuomo in his bid to become Governor in 1982. Somewhere along the line, the leaders of AFSCME analyzed Mario Cuomo's labor record and found it satisfactory to them. For years Mario Cuomo's stand against the death penalty was public knowledge and he has not wavered from that position. The leaders of AFSCME must have known what Mario Cuomo's position was on the death penalty, yet they did not elicit a promise from him to abandon this position. It is sad to say that the death penalty issue is not a matter of life or death for most of the member unions of AFSCME. It is a matter of life and death to correction officers! Yet Council 82 gave approximately \$20,000 to Cuomo's gubernatorial campaign!

The plain and simple truth is that correction officers have unique needs and they must be represented by a specialized labor organization. Organizations such as AFSCME are dominated by groups of employees outside of the field of corrections. AFSCME Council 82 fights for death penalty legislation on one hand, but with the other hand they are forced to contribute your money to a political candidate who is apparently blind to the special importance this issue has for correction officers.

Governor Cuomo's position against the death penalty is based, as he says, on moral considerations. We believe that he is sincere in this belief. However, correction officers do not have the luxury of this type of viewpoint. When an inmate serving a life

sentence knows that he will go unpunished if he kills a correction officer, the correction officer becomes a marked man. This is an issue of life and death for correction officers, but it's not important enough to AFSCME to withdraw their support for Cuomo because of his death penalty stand.

TUFCO Union intends to hold Council 82 accountable for the activities of its parent organizations.

TUFCO Union will do more than just talk about reinstating the death penalty. Once TUFCO Union is elected as the exclusive bargaining agent for the Security Services Unit, we will undertake the following political actions on your behalf. Remember, there are approximately 15,000 voters in the Security Services Unit. If you add in the voters in your immediate family, we can form a voting block of 50,000 people if we stick together on this crucial issue. Specifically, we will do the following:

1. We will make available to you information as to where your assemblyman and senators stand on the issue of capital punishment.

2. We will bombard the state representatives with a concerted campaign, not only to reinstate capital punishment, but to override any governor's veto.

3. TUFCO Union will make it clear that it will work for the political defeat of any candidate who will not support a properly drafted and constitutional death penalty law.

4. TUFCO Union will undertake

intense lobbying efforts for a death penalty statute.

5. TUFCO Union will provide aggressive and strong representation for correction officers on this and on a host of other issues. The State must come to know that we mean business when we talk. Unlike Council 82, we will not say one thing and do another.

6. TUFCO Union will undertake a television and radio public relations campaign designed to enhance the image of the correction officer and obtain support from the general public on these issues. The public must come to know that we have special needs as a group.

All across the board, the prestige and status of correction officers has been eroded. It has been eroded by the Courts, our pleas have fallen on deaf ears in the Legislature, the Correction Department conducts illegal and unethical investigations of correction officers, and civilians on Grand Juries have shown that they will believe the testimony of a convicted felon over the testimony of an innocent correction officer. This trend must stop! We cannot reverse this trend and reinstate our proper position in the jails and in the communities while being represented by a passive union like Council 82. Only through aggressive representation and only through unified efforts can correction officers right the wrongs which exist.

Please support TUFCO Union. We are an independent union which will represent you, not a group of people who do not share our needs.

## Bill of Rights

union which will be proud of us and which will publicize and broadcast our achievements and our community involvement so as to enhance our image with the public.

**NINTH:** We have a right to a union which will protect our seniority rights within the framework of existing law.

**TENTH:** We have a right to a union which will set up a computerized financial system to prevent waste and mismanagement.

**ELEVENTH:** We have a right to a union with a strong system of locals.

**TWELFTH:** We have a right to a union run on the principal of "one man - one vote."

**THIRTEENTH:** We have a right to a union which will represent all geographic areas of the State equally and fairly, and all members regardless of race, color or creed.

**FOURTEEN:** We have a right to a union which does more than negotiate our contract. Our union should exist for our benefit, not the other way around. Our union should secure

Continued from Page 1

available benefits and programs for us and our families in addition to those available through the collective bargaining agreement.

We declare these rights to be ours as free men and women, working in a democracy where people should matter more than bureaucracies. These rights are ours to enjoy and our rights should never be eroded. We declare ourselves to be equal to the State of New York, not subservient to it. We declare ourselves to be equal to the union that should represent us, not subservient to it.

We hereby declare and adopt this Bill of Rights so that the rest of this society will know that we too have rights, dignity and power, both individually and collectively.

This Bill of Rights is adopted, this 1st day of October, 1983.

The Members of The  
Security Services Unit

The Union of Federated  
Correction Officers  
(TUFCO Union)

highly trained professionals and sophisticated computer hardware and software. This combination provides efficient and modern service.

Currently, Art Place does accounting work for the Electrical Workers' Pension and Welfare Fund as well as the Apprentice Training Fund. In the past he has done accounting work for the Telephone Traffic Union, the

## 82 Sold Out Trainees in the Last Contract

Recently, Council 82 sent out a campaign bulletin titled *Right Union, Right People, Right Stuff*.

The main thrust of this propaganda was geared toward the new employee. They indicated that the new employee would receive vast sums of money after a period of time. Let's examine the facts!

In 1977, Council 82 negotiated a trainee rate that would last for one year and trainees would be in direct supervision of a senior correction officer. However, this buddy system failed and trainees were used as seasoned correction officers, as they are now, doing grade 14 work for grade 10 pay.

Under the leadership of Dennis Fitzpatrick, Correction Policy Chairman, (who is now the President of TUFCO Union) the State of New York has been forced to give trainees equal pay for equal work. In 1978 (a non-contract year), correction officer trainees were advanced to grade 14 after 12 weeks of on-the-job training.

In 1982-1985 contract negotiations,

Council 82 again negotiated a one-year trainee rate, only this time they

**The plain and simple fact is that Council 82 negotiated a wage increase for all its members off the backs of correction officers hired after April 1, 1982.**

reduced the trainee pay grade lower than it originally was in 1977.

The plain and simple fact is that Council 82 negotiated a wage increase for all its members off the backs of correction officers hired after April 1, 1982.

Council 82 would like people to believe the 1982-1985 agreement was the greatest thing since the invention of sliced bread. In reality the officer who was hired after April 1, 1982, lost over \$4,000.00 the first year and can never recoup it.

If Council 82 were to negotiate the next contract, we would wonder who they would target next to help finance the contract.

Is this the Right Union, Right People, Right Stuff?

Telephone Commercial Union, and the Operating Engineers and Structural Iron Workers. Art's father was a member of the Seamen's Union.

Art Place is a graduate of Bucknell University. He completed a program in labor relations and management accounting. Art was a lieutenant in the military police in Germany in 1960. He was assigned to NATO

Security. He was also a graduate of the NATO Security CBR Warfare School.

Art Place is a self-made man who understands the personal and accounting needs of working people.

TUFCO is convinced that the only way to negotiate an effective collective bargaining contract is to use the best people available to work with us.

## TUFCO PROFESSIONAL NEGOTIATION TEAM...

Continued from Page 1

Programs, and he is well known in the Albany, New York area for his seminar work on tax and retirement planning.

**Our certified public accountants:** Arthur Place & Company. Art Place maintains an accounting firm of fourteen professionals in Albany, New York. His firm has a blend of



# TUFCO'S PROFESSIONAL FINANCIAL PROGRAMS WILL HELP THE UNION SERVE YOU

A union is established in order to serve its membership, not the other way around. We want to restore some of the good old unionism, such as existed years ago when the union took care of its people, not the other way around. That is the reason we became active in this union challenge, and we are very confident that our financial program can achieve these goals for our members.

The TUFCO Union constitution provides for a unique blend of strong local input with the efficiency that can be provided by a centralized financial system. TUFCO Union will hire professional business agents who will work in a given region of the State. The business agent of the region will work on a close basis with the treasurers of each local in formulating the locals' budgets and the regional budget. A legislative body (made up of the chief stewards in each local) is created in each region with one of its principal jobs being the approval of regional and local budgets. This important information will then be blended into the state-wide budget. Budget dollars are then allocated back to the locals to be spent as the locals see fit.

TUFCO Union has access to the very sophisticated computers maintained by our certified public accountant in Albany. Through the system, we can maintain the efficient and orderly flow of expenditures and reimbursements throughout the TUFCO Union system.

Based on our computerized information, we will be able to earmark the proper funds for each local, each region not only guarantees orderly payment, reimbursement and banking deposits, but it also allows us to maximize earnings on our cash reserve. Also, the computer system will be very helpful in formulating the programs which we are providing for our members and their families.

## Educational Assistance

Education assistance will be provided for all college-bound children of correction officers and security personnel. We will establish a sinking fund which will be professionally invested for maximum security and a good strong yield. In a very short period of time, this fund will generate monies which will be available to college-bound students. Everyone

who applies will obtain college assistance. The exact amount of this assistance depends upon the earnings of the fund in a given year and the number of students who wish to attend school.

## Income Tax and Retirement Planning Seminars

Income tax and retirement planning seminars will be provided by our professional staff. In the Spring of 1985, we expect to present these tax reduction, deduction programs at several locations all around the State. This will allow our members and their families to become updated on the new and complex law changes. It will give you an opportunity to ask specific questions which will help with the preparation of your own income tax returns. It will also give you members a chance to start formulating your retirement plans. This seminar program will be put on by our tax attorneys and accounting staff.

## Legal Counsel

TUFCO Union will provide you with an attorney to represent you in all major disciplinary proceedings. In the past it has been the correction officer who has been at a disadvantage. It seems there is no limit to the legal representation that the State will provide itself, nor is there a shortage of attorneys to represent inmates. By providing you legal counsel, we will even the odds and we will get the word out that we will not be taken lightly.

## Professional Negotiator

TUFCO Union will provide a professional outside negotiator at contract time in order to present the most comprehensive negotiating package possible. All too often in the past Council 82 has been outgunned and outmaneuvered by experts who have provided service to the State. It is time that professional expertise is provided on our side for a change. A professional negotiator cannot only offer a strong proposal for negotiations, but he can formulate a specific and constructive plan as to where the State can find the money to fund our contract.

## Prepaid Legal Program

TUFCO Union will provide its members with a state-wide prepaid legal program. This program will provide groups rates for legal representa-

tion on a wide range of legal services. Such a program will guarantee you legal representation by a competent attorney practicing in your area at reasonable rates. This representation will include real estate transactions, family law issues, traffic law, civil matters, etc. All attorneys participating in the program will be answerable to TUFCO Union so as to assure first rate representation and good service for members.

## Public Relations Campaign

TUFCO Union will undertake a comprehensive public relations campaign designed to enhance the status of correction officers and security personnel. This will be done not only through the media, but our locals will be active in community programs as well. Such union public relations campaigns have been successful for other professions (most notably school teachers in 1983). It is time your union took an active role in broadcasting your dedicated work and achievements to the community.

## Elections

Over the last 14 years, the membership of Council 82 has had very little control over who runs their union. With The Union of Federated Correction Officers, you, the member, will determine who will run your union. There will be no doubt who controls your union under The Union of Federated Correction Officers, because our by-laws call for a one-man-one-vote state-wide election for our state-wide leadership.

You may well say that these programs sound good, but where will the money come from to pay for them? The answer is simple. Because TUFCO Union is an independent union, it does not have to charge its members high fees which are destined for AFSCME or any other national organization. Almost \$749,000 of your money is spent in this fashion every year. The \$749,000 can be utilized for the programs which we propose and there will be money to spare. We can institute these programs for our membership without the permission of the State, as these programs are in addition to and independent of the collective bargaining agreement. We can charge the same dues Council 82 charged and still provide these additional programs.

With careful fiscal planning and financial responsibility, these programs can be highly effective. It is an important priority of TUFCO Union that the union should be made to work for the members, not the other way around. These programs will add to your financial security of your family. We have strength in numbers. It is high time that we put this strength to our financial advantage.

## The Union Challenge In a Nutshell

You may be one of those individuals who has yet to make up his mind about whether to support TUFCO Union or Council 82 in the coming election. With all the radio, television and newspaper coverage, and with all the conflicting claims to the participants, you may well wonder what the truth is. How do you make an informed decision as to whom to vote for? If you find yourself in that position, the following summary should be helpful to you in making your decision. You should vote for TUFCO Union if you are in favor of the following:

1. Aggressive and active representation.
2. Leadership that is not afraid to take on anybody, including the Commissioner or the Governor.
3. Legal representation at major disciplines.
4. Election of statewide union officers on a one man, one vote system.
5. Election of local officers on a one-man, one-vote system.
6. Home rule right here in New York State rather than by a distant international.
7. A union that believes in protecting your rights at all costs.
8. Instead of sending \$749,000 a year to AFSCME for the privilege of being affiliated, you would rather see those monies reinvested in educational programs, prepaid legal programs, retirement planning, income tax planning, disaster relief, and other programs for the membership.
9. Professional contract negotiations based on an innovative program designed to achieve pay increases and sick time reform.
10. The dismantling of the time abuse truant squad.

You should vote for Council 82 if you are in favor of the following:

1. Sending \$749,000 a year to AFSCME and getting nothing in return.
2. Having your money thrown away on endorsements to liberal candidates without even a say so in how the money is spent or who is endorsed.
3. No professional negotiator.
4. Passive representation.
5. A lack of innovative programs.
6. Unprofessional union representatives.
7. Unprofessional representation in grievances and disciplines.

Your choice should be clear. TUFCO Union is trying to revive the old fashioned unionism where the union functioned for the benefit of its members rather than the other way around. For too long, unions such as Council 82 have become big bureaucracies which simply devour your dues without giving you full value for your money. In the coming election, you will be provided with a real alternative.

**Vote TUFCO Union.**

## AFSCME SELLS OUT CORRECTIONS ON 'PRISONS FOR PROFIT ISSUE'

### ATTENTION ALL CORRECTION OFFICERS!!

A vote for Council 82 is a vote for AFSCME. A vote for AFSCME is a vote for the possible loss of your job and the fall of the seniority system, possible loss of your civil service status, and your pension!

Let us explain why . . .

AFSCME supports the American Correctional Association (ACA). Council 82 supports the ACA and Council 82 AFSCME has vigorously tried to get you to sign up for the ACA membership. The ACA allows inmates to join their organization. The ACA makes the Guidelines with inmate input and liberal organizations input for accreditation of our prisons, which Commissioner Coughlin pushes very hard for. Now it

is revealed that the new President of ACA, the most liberal prison organizations input for accreditation of our Vice-President of Corrections Corporation of America which is a private organization that runs on a "Prisons for Profit" theory. Your present union knew of this and never complained of it until the challenge by TUFCO Union. McEntee spoke against "Prisons for Profit" (as head of AFSCME) to the delegates at your last convention. Yet, neither Mr. McEntee nor Jack Burke, ever divulged that behind your back their organization was allowing a cancer to grow. Maybe, they hoped its slow growth would not be discovered by the membership.

Well, we know of it now and we are

alerting you to the fact that TUFCO Union will never stand for this vile act of back-door politics and will never belong to a liberal organization that would take your livelihood from you!

Let us help you save your jobs and future. Put TUFCO Union in office so this cancer can be cut out now! Vote for your Independence! VOTE TUFCO UNION!

**Note: We are sure many members who joined the ACA in corrections or who went to meetings of the ACA were not aware of the vile back-door politics. But there is no excuse for McEntee, the head of AFSCME, who allowed your negotiated funds in the QWL Program to be used for these meetings and some memberships.**



# State Law Guarantees Strength of TUFACO Union's Finances Upon Certification as Bargaining Agent

Questions have been asked pertaining to where the money is coming from which will enable TUFACO Union to mount its challenge against Council 82. TUFACO Union, being an independent union, does not have hundreds of thousands of dollars to spend on a union challenge. Our movement is a grass roots movement which depends on the hard work and financial contributions made by our leadership and our supporters. We wish to thank those of you who have donated to our cause. You will help bring about a brighter future!

Although it is true that our independence imposes a modest budget

on our activities, our independence does guarantee that we will not be controlled by big money interests, nor will we be controlled by national or international organizations which cannot meet the specialized needs of correction and security officers.

In the November issue of the Council 82 Review, emphasis was put on the fact that we are not a wealthy organization. Perhaps they feel that it is funny or humorous not to have large monies at one's disposal. However, we are wealthy in dedication, and although our supporters are not individually wealthy, together we will generate the funds necessary to

mount our challenge.

It's also important to remember that immediately upon becoming certified as the bargaining agent, the Taylor Law gives TUFACO Union access to the union dues paid by all members of the bargaining unit. Although our funds during the challenge period are limited, once we win the representative election we immediately reach the same financial strength that Council 82 now enjoys. This is guaranteed by law.

Council 82 has millions of dollars of dues money available to fight us, and they can call on the services of AFSCME. They, no doubt, will use

huge expenditures to fight us, and your dues money will be used to pay their attorneys in an effort to set up legal roadblocks to our representative election. However, we have faith in the individuals in our bargaining unit, and we feel very strongly that we are entitled to our day at the ballot box. That is the democratic system, and correction officers and security personnel everywhere should demand that they have their right to exercise their ballot.

At least for now, TUFACO Union is a union of modest financial means. Arranged against it are vast money interests which will try to stop us. But despite our modest means, we are dedicated to this challenge and we will continue it to its successful conclusion.

## 'One-Man, One-Vote' and 'Home Rule' are the TUFACO Alternative

You may well ask yourself, why is this union challenge important? What kind of choice do I have? The answer lies in the fact that this union challenge is a struggle between two different conceptions of what the relationship between the union and its members should be.

In the early days of the union movement in the United States, unions were organizations designed to care for and help their members. The union had a role to play in people's lives. Part of the goal of the union was not only to improve the economic status of its members but to assist the members and their families when they needed help. Since the early days, a great deal has changed in the union movement. All too often the unions themselves have become huge bureaucracies. Like all bureaucracies, they have become impersonal and detached from the people that they serve. The union leadership and the union bureaucrats have become so detached from their membership, that the original purpose of the union has been lost. The union leadership loses touch with its membership. Its membership loses faith in the leadership.

That is what has happened to many labor unions in this country. It has happened to AFSCME. It has happened to Council 82. Council 82 has lost touch with its membership. It has become a bloated bureaucracy whose primary purpose is its own self-preservation. It no longer exists for the benefit of the members. Somehow, they have come to feel that the members exist for the benefit of the union.

TUFACO Union is committed to re-establishing the time honored relationship between the members and their union. TUFACO Union exists for the benefit of the membership, not the other way around. Not only does TUFACO Union wish to assume the role of bargaining agent for contract negotiation purposes, but the union wishes also to provide programs which will fundamentally improve people's lives. Salary increases, seniority rights and a good contract are important goals to TUFACO Union. Of equal importance, however, are the benefits which TUFACO Union sponsored programs will provide for the members and their

families.

The \$749,000 a year that the members lose to AFSCME and AFL-CIO will be rechanneled into programs for the benefit of our members. These benefits include tax and retirement planning, income tax assistance, educational funding for your children, disaster relief in times of need, neasy access to the union leadership, a computerized grievance system, and legal representation when you need it. Council 82 cannot provide these programs without rais-

ing the dues \$749,000 per year. This they cannot do. They lack the expertise. They lack the commitment to the membership that is necessary.

Council 82 is a passive union, a union which has degenerated into a bloated bureaucracy, and a union which lacks the professionalism and determination to represent its members and move on into the future. Council 82 must pay thousands of dollars to a Washington, D.C. polling firm in order to find out what its members think about the important

issue. They have simply lost touch with their membership. The leadership of TUFACO Union is made up of men who work with you on a day to day basis. They do not need public opinion polls to tell them what you think. They provide strong and aggressive leadership. They will restore the old balance and proper relationship between the members and the union. TUFACO Union exists for the benefit of the members, not the other way around.

This is an important choice you must make. This is a struggle between two different ways of life and two different ways of looking at the world. TUFACO Union respectfully asks for your support. Your choice should be clear.

## The Myth of Council 82 Legal Supremacy

Council 82 has made a big deal over the activities of their high price lawyers and legal staff. They seem to be quite proud of this situation and they point to a so called long list of legal victories to support their claims. When one examines the record closely, however, the real truth emerges.

In the December, 1984, issue of the Enforcer, Council 82 boasted that they had won two rounds in the challenge. They proudly proclaimed that the petition of the Lifeguards had been defeated and the petition of the Parkway Police to leave the bargaining unit had also been defeated.

What Council 82 forgot to tell you was that the Lifeguards voluntarily withdrew their petition to form a separate bargaining unit. (There is nothing like winning by default.)

As to the petition of the Parkway Police, it should be noted that it was primarily the opposition of the State and the past legal decisions established by PERB that led to the defeat of the Parkway Police petition to with-

draw from the bargaining unit.

Council 82 also forgot to tell you that the gradiose claims and attacks leveled against the TUFACO Union petition to unseat Council 82 and represent the entire Security Services Bargaining Unit had been totally rejected by PERB. Council 82 had alleged that TUFACO Union could not serve as bargaining agent because its constitution was not sufficiently democratic. Council 82 had also alleged that TUFACO Union had misrepresented precisely what groups within the bargaining unit they intended to represent. PERB was so unimpressed with the evidence submitted by Council 82's attorneys that they threw out Council 82's arguments without even conducting a formal trial on the matter. And, of course, they couldn't prevent PERB from ordering an election between TUFACO Union and Council 82. It is no wonder that Council 82 did not bother to tell you the entire story. Such a defeat must be truly embarrassing!

We would also like to remind our readers that TUFACO Union's attorneys scored a smashing victory against the State at PERB in the improper practice lawsuit brought about due to the confiscation of confidential petition cards at the Fishkill Correctional Facility in March of 1984. PERB recently ruled in Case U-7385 that the State was guilty of an improper practice for the card seizure and that the State had violated the rights of TUFACO Union and their supporters to freely associate and unionize. Council 82's high priced legal talent also leveled a series of charges at TUFACO Union based on this case. While TUFACO Union proved its primary charges against the State of New York, Council 82's high priced attorneys were totally unsuccessful.

Council 82 keeps charging that TUFACO Union's attorneys are incompetent. If TUFACO Union's attorneys are so incompetent, how come Council 82's high priced legal talent cannot seem to beat them?

### OPEN LETTER TO OUR SUPPORTERS...

your support, we must remind you that the job is not yet done. There is still one more hurdle to get over, one more step in the long road. We need your support in the election. The election will be conducted by secret ballot mailed directly by PERB to your residence. Please take the time to fill out the ballot and mail it back to PERB. Don't forget to sign your name on the return envelope so your vote counts. (Don't worry, we will have representatives at PERB when the votes are

counted to see to it that your vote remains confidential.) Even if you signed a petition card for TUFACO Union during the past six months, you must still exercise your vote during the election in order to name TUFACO Union as collective bargaining agent.

Council 82 is through. It is people like you who have made it possible. One more hurdle and one more step need to be taken. We need your vote in the election. A vote for TUFACO

Continued from page 1

Union is a vote for a better future for you and your family. We will never betray your trust.

Very truly yours,  
The TUFACO Union Leadership

#### The Challenger

Published by The Union of Federated Correction Officers Association - TUFACO.  
DENNIS J. FITZPATRICK, PRESIDENT  
KEVIN W. CASEY, VICE-PRESIDENT  
BRUCE J. FARRELL, VICE-PRESIDENT  
JAMES MORRISSEY, SECRETARY-TREASURER  
MARION DANTZLER, ASST. SECRETARY-TREAS.



Hi Dick,  
This is really  
dirty pool! tu fco  
has demanded a thorough  
investigation. Since  
when are they in  
a position to be demanding  
anything? I wonder who  
the culprits are?  
Cindy

Dear Member:

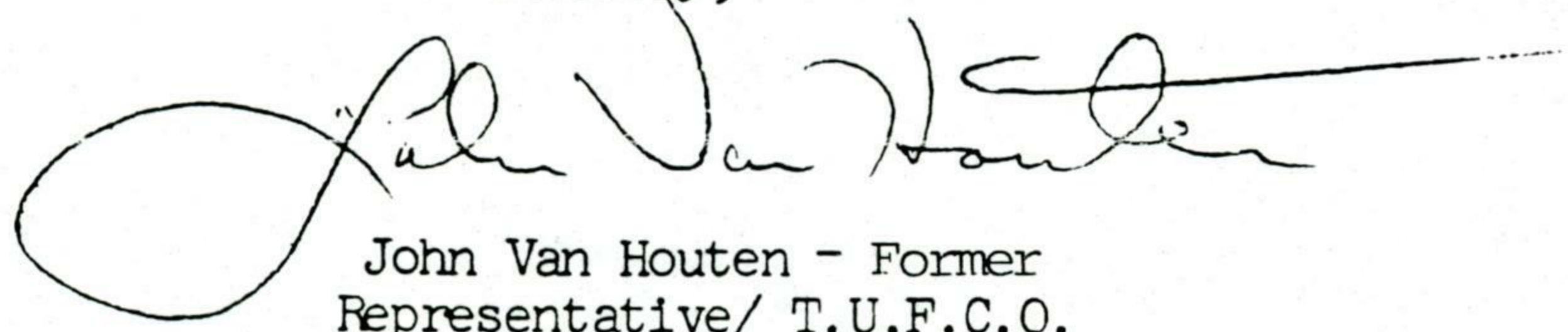
About a year ago I was removed from my bid for burning two rulers together with a rubber band (simulating a cross) and for placing Black and Hispanic inmates in a chair that I had worded, "Florida and Georgia Justice". After placing the Black or Hispanic inmates in the chair, I would continuously turn the light switch on and off to simulate an electrocution. Over twenty minority inmates wrote to the Deputy Superintendent for Security and told on me.

The Department of Corrections wanted to suspend me, but thanks to Jack Burke from Council 82, who prevented that, they didn't. Don't you know I didn't learn my lesson. After Council 82 saved my job, I turned right around and told a Jewish inmate that Hitler should have gotten them all during the Holocaust (I didn't say it quite that nice, but you get the point).

I now have the Mobile Patrol bid after spending almost a year of no inmate contact. (Lucky me, huh!) They gave me all the best jobs in the jail just to keep me out of trouble. Wasn't that nice of them?

They didn't even get mad at me when I was convicted of a D.W.I. Now I'm on my way to an Arbitration with the best union I can think of to represent me. These are just some of the reasons I urge you to support Council 82. I was a victim of circumstance, I was lead astray, but I HAVE SEEN THE LIGHT! Don't you fall into the same trap I did.

Sincerely,

  
John Van Houten - Former  
Representative/ T.U.F.C.O.

P.S. Just because I can't spell sincerely, doesn't make me a bad guy.

COUNCIL 82  
RECEIVED  
DEC 21 1984  
AFSCME AFL-CIO



Office File

STATE OF NEW YORK  
PUBLIC EMPLOYMENT RELATIONS BOARD

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In the Matter of

STATE OF NEW YORK (OFFICE OF PARKS  
AND RECREATION),

Employer.

-and-

CASE NO. C-2826

LONG ISLAND STATE PARK POLICE  
BENEVOLENT ASSOCIATION, INC.,

Petitioner,

-and-

COUNCIL 82, AFSCME,

Intervenor.

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DECISION OF DIRECTOR

On August 29, 1984, the Long Island State Park Police Benevolent Association, Inc. (petitioner) filed a petition seeking, as clarified, to represent approximately 160 full-time permanent employees of the State of New York (Office of Parks and Recreation) (employer). These employees are currently represented by Council 82, AFSCME (intervenor) in the state-wide Security Services Unit consisting of



approximately 16,000 full-time and part-time employees.<sup>1/</sup> Both the employer and the intervenor oppose the petition. A hearing was held on November 5 and 7, 1984.

The 160 employees whom the petitioner seeks to represent are assigned to one of several work locations: Long Island, Niagara Frontier and Palisades Interstate Parks. Petitioner limits its membership, however, to those 55 employees who work at Long Island. Dismissal of the petition is compelled since "no employee organization may be certified to represent a unit if it refuses to admit some of the employees within such unit to membership."<sup>2/</sup>

Even assuming that the petitioner might become eligible to act as negotiating agent, the petition must be dismissed inasmuch as the record affords no basis for

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<sup>1/</sup> Petitioner seeks to represent full-time permanent employees in the following titles: traffic and park officer, traffic and park sergeant, park patrol officer, park patrol officer (spanish speaking) and sergeant, park patrol. Both full-time and part-time employees in these titles have been included in the unit since 1969 [2 PERB ¶3037 (1969)], but excluded by the legislature from 1976-1979. The Security Services Unit includes other park and law enforcement titles, i.e., conservation officer, correction officer, capitol police, campus police, environmental conservation police, forest ranger and safety officer.

<sup>2/</sup> City School District of the City of White Plains, 2 PERB ¶3009, at 3271 (1969); See also Whitesboro Central School District, 11 PERB ¶4043 (1978). The petitioner has not indicated any intent to amend its restrictive by-laws.



fragmenting the existing unit. While claiming that the employees have not been afforded effective representation, the record is devoid of any supporting facts. Indeed, an employee in one of the in-issue titles has been on the intervenor's negotiating team for the past two collective bargaining agreements<sup>3/</sup> and is a member of the intervenor's policy-making executive board and executive committee. Although petitioner argues that the intervenor would not seek a raise for these employees for the period April through December 1979, the intervenor was not then their negotiating agent.<sup>4/</sup> Further, while the petitioner claims that the intervenor wrongfully refused to litigate the propriety of a 1980 civil service examination, the record establishes that it fully investigated the matter and decided not to litigate after its investigation showed no illegality in the holding of the examination. Similarly, petitioner's claim that the intervenor did not directly assist it in passage of legislation which it sponsored does not demonstrate a derogation of its duty. In fact, the petitioner's own submission evidenced that the

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<sup>3/</sup> A clothing allowance requested by this representative on behalf of the park police was obtained in the 1982-85 contract.

<sup>4/</sup> State of New York (Office of Parks and Recreation), 13 PERB ¶3079 (1980), aff'd, Russell v. PERB, 14 PERB ¶7010 (Sup. Ct. Alb. Co. 1981).

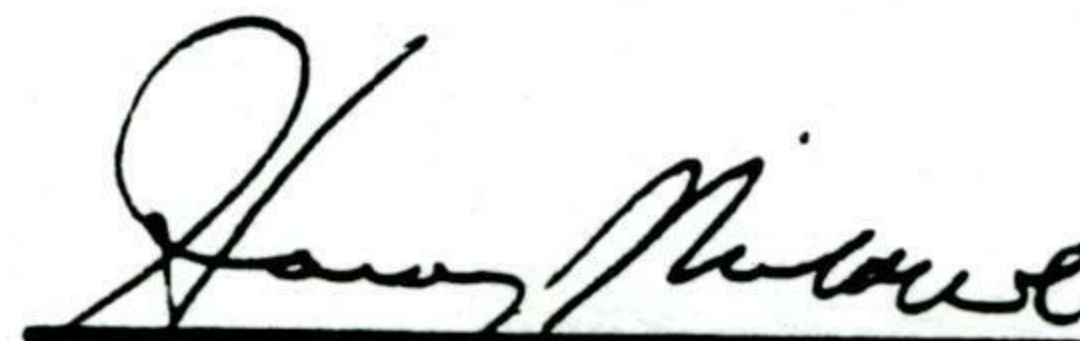


intervenor was never asked to so act and that, nevertheless, the intervenor had written affirmatively to the Governor asking approval of those pieces of legislation.

Additionally, I would note that petitioner offers no facts to compel separation of the full-timers from the 185 part-time employees employed in the same job titles who work together under similar terms and conditions of employment, nor to distinguish these full-timers from those in the unit who, like the conservation officer and the others noted in footnote one, are also involved in law enforcement functions. Inasmuch as it is this Board's policy to favor retention of the largest unit permitting for effective representation,<sup>5/</sup> and as the petitioner has shown no facts which would compel departure from that policy, the unit sought is not appropriate.

Accordingly, the petition must be, and hereby is, dismissed.

Dated at Albany, New York,  
this 20 day of November, 1984



Harvey Milowe, Director  
Public Employment Practices  
and Representation

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<sup>5/</sup> Incorporated Village of Hempstead, 1 PERB ¶399.99 (1968); Town of Smithtown, 8 PERB ¶3015 (1975); Wayne Central School District, 17 PERB ¶3104 (1984).



TO: The Residents of Home "B"

FROM: John Van Houten, Representative/T.U.F.C.O.

I'm sure that you've read the latest letter from Council 82 concerning the Home "B" situation, as I have.

First off, you know as well as I, if the State feels the need to take over Home "B" for inmate housing, Council 82 really will not be able to stop them anymore than any other union representing us. They have no magic power with the State as they claim.

Where was Council 82 when the "Old Fishkill Training Academy", (Camp Beacon) was taken over? What does Council 82 plan to do for the Bedford Hills situation?

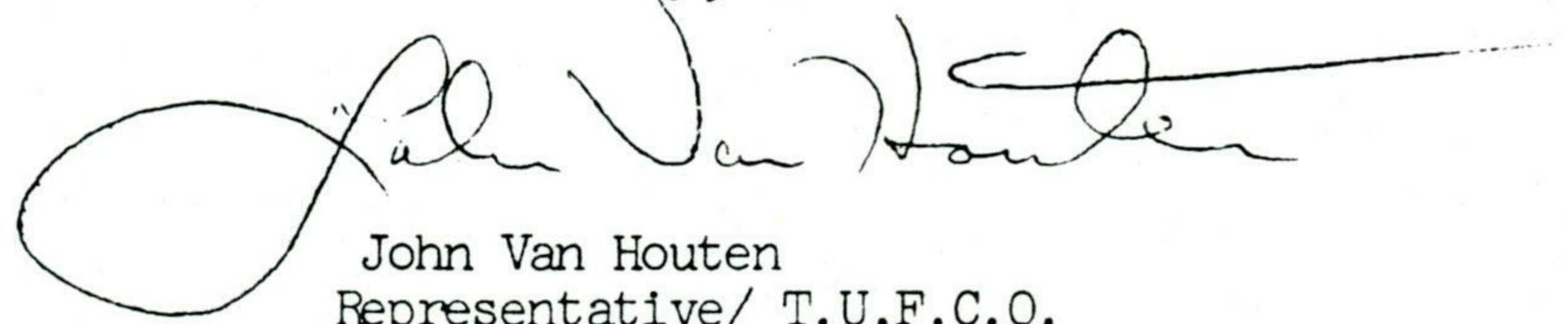
On the renovations that Home "B" has acquired. When did they come about? That's right! When Council 82 saw the real threat of a challenge by another union (T.U.F.C.O.).

As a T.U.F.C.O. representative, I can assure you that T.U.F.C.O. will do everything that is possible to keep accommodations such as Home "B" going at every state facility, especially places like Fishkill Correctional Facility, where Officers transfer in and out at such a fast pace.

Facilities such as Home "B" are essential, and TUFCO realizes it !!!

Just remember, a union is as strong as it's membership, so far, Council 82 hasn't shown anything to me.

Sincerely,



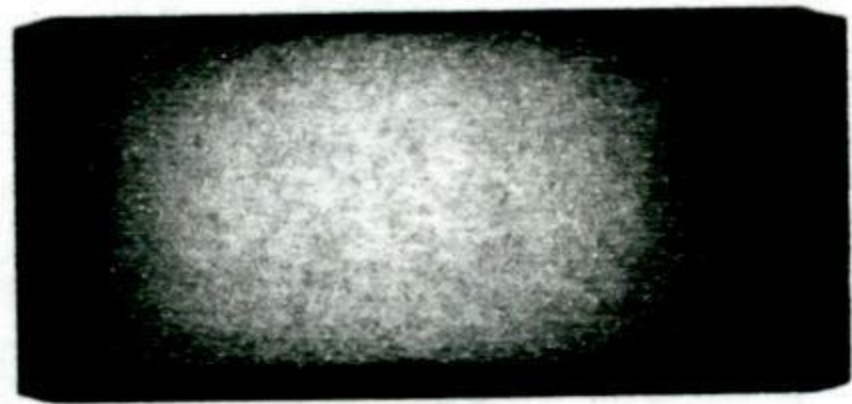
John Van Houten  
Representative/ T.U.F.C.O.

Dick,  
This was  
in response  
to our letter  
on Home "B".

Why do we have to  
represent this dog at  
arbitration?

Cindy





First off, let's get things right about T.U.F.C.O. First there was The United Federation of Correction Officers, which is the fraternal organization, then there is The Union of Federated Correction Officers.

The fraternal organization is still going strong. The union was started because many of us (Correction Officers) are unsatisfied with the way Council 82 handles our management problems. It's about time new blood took over for the good of Correction Officers

As far as popularity of T.U.F.C.O. is concerned, the challenge was successful, all that's holding up an election is the setting of a date by P.E.R.B. and that will be in the near future.

Going by general concensus, a "MICKEY MOUSE UNION" could run against Council 82 and win because of the lack of effectiveness Council 82 has now !!!



*Office File*

(a) Within 15 working days after receipt of the decision of the Director, a party may file with the Board an original and four copies of a statement in writing setting forth exceptions thereto, and an original and four copies of a brief in support thereof, together with proof of service of copies of such exceptions and brief upon each party to the proceeding.

(b) The exceptions shall:

- (1) Set forth specifically the questions of procedure, fact, law, or policy to which exceptions are taken;
- (2) Identify that part of the decision to which objection is made;
- (3) Designate by page citation the portions of the record relied upon; and
- (4) State the grounds for exceptions. An exception to a ruling, finding or conclusion which is not specifically urged is waived.

(c) Within seven working days after service of exceptions, any party may file with the Board an original and four copies of a response thereto, or cross-exceptions and a brief in support thereof together with proof of service of a copy thereof upon each party to the proceeding.

(d) A request for an extension of time within which to file exceptions and briefs shall be in writing and filed with the Board at least three working days before the expiration of the required time for filing, provided that the Board may extend the time during which to request an extension of time because of extraordinary circumstances. A party requesting an extension of time shall notify all the parties to the proceeding of its request and shall indicate to the Board the position of each other party with regard to such request.

(e) If a party desires to argue orally before the Board, a written request with reasons therefor shall accompany the exceptions filed, the response thereto, or the cross-exceptions filed. The Board may grant such a request; it may also direct oral argument on its own motion.

(f) Upon submission of the case to the Board, it may adopt, modify or reverse the decision of the Director.

(g) Unless a party files exceptions to the decision of the Director within 15 working days after receipt thereof, that decision will be final.

(h) The Board may designate an employee organization as the exclusive representative of public employees within a negotiating unit if the employee organization has demonstrated that it represents a majority of the employees within the negotiating unit and there has been prior agreement between the public employer and the employee organization or organizations representing a substantial majority of the public employees in the unit that the majority representative should be accorded exclusive rights of representation.

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§200.9 Working Days. The term "working days", as used herein, shall not include a Saturday, Sunday or legal holiday.

§200.10 Filing; Service. (a) The term "filing", as used herein, shall mean delivery to the Board or an agent thereof, or the act of mailing to the Board.

(b) The term "service", as used herein, shall mean delivery to a party or the act of mailing to a party.



THE UNION OF FEDERATED CORRECTION OFFICERS  
SETS THE RECORD STRAIGHT REGARDING ITS CONSTITUTION

Council 82 is running scared. They have undertaken a campaign to distort TUFCCO Union's Constitution. The TUFCCO Union Constitution was carefully drafted by our legal staff and was adopted on October 1, 1983. Our Constitution was submitted to PERB in August of 1984 and filed with the Department of Law in March of 1984. Here is the TRUTH about the TUFCCO Union Constitution: (Article and Page Numbers reference the actual text of the Constitution itself.)

~~THE G&L 2218 DISTORTION~~

The Truth From  
~~TUFCCO Union~~

1. TUFCCO is run by a dictatorship.
  2. The TUFCCO leadership is put in power permanently.
  3. TUFCCO does not have conventions.
  4. TUFCCO will have its main office in Hudson Falls and ignore the rest of the State.
  5. TUFCCO lied to people and refuses to represent the whole security services unit.
  6. Local officers are appointed by the directors.
1. The statewide officers are elected on a one man - one vote system by the members. (Article VIII, page 10)
  2. The statewide officers serve an initial term until 1988 at which time they must face re-election if they wish to remain in office. Subsequent terms of office expire every 3 years. All statewide elected officials are elected on a one man - one vote basis by the membership at large at the end of each term of office. (Article VIII page 10, 11 and 12)
  3. TUFCCO Union's conventions are held every two years, beginning in December, 1985 and every 2 years thereafter. (Article VI page 4-8)
  4. The original office is in Hudson Falls, but it can and will be re-located to Albany. (Article IV page 3)
  5. TUFCCO Union will represent the entire bargaining unit as required by the Taylor Law, however, a separate structure is put into place for noncorrection groups. (Article II page 1, and Article VIII page 10 and 12)
  6. The local's chief steward, at least 3 shift stewards, 1 steward at large (secretary-treasurer) are elected in a one man - one vote election by the local members every year. Assistants to each of these officers are elected by the local officers immediately after they themselves have been elected by the members. (Article XI page 21)



Council 82's Distortion

The Truth From  
TUFECO Union

7. The TUFECO directors set the budget for the whole union without local input.

7. The TUFECO annual budget is proposed by the Directors based on input from the locals and regional business agents. The proposed budget must then be approved by the Union Board (a congress made up of the chief stewards of all the locals). The monies allocated to each region and each local are then spent as determined by the regional board and the locals.  
(Article XV page 32 and 33)

8. There will be an initial fee of \$200 per man. The TUFECO directors set initiation fees and dues arbitrarily at any time.

8. The dues and initiation (if any) are set by the regular TUFECO Union Budget Process. No initiation fee is required.  
(Article XV page 32 and 33)

The initiation fee is your dues. The current union budget guarantees your dues structure will not exceed Council 82's current dues structure.

9. The TUFECO Constitution doesn't allow referendums or votes by the members.

9. The TUFECO Union Constitution provides referendums by the membership for statewide elections, amendments, etc.  
(Article XVI pages 34 and 35)

10. The TUFECO Constitution can only be amended by the Directors.

10. The Directors may propose amendments but the regular or special conventions must approve the amendment by majority vote. The membership at large then may approve the amendment by majority vote.  
(Article XVII page 35)

11. The original members control the organization forever.

11. Once TUFECO Union is certified as a bargaining agent, it is constitutionally required to admit all members of the bargaining unit. The directors may admit members sooner.  
(Article XVIII page 36 and 37)

AS ANYONE CAN CLEARLY SEE, COUNCIL 82 MUST BE DETERMINED TO INTENTIONALLY DISTORT THE LANGUAGE OF THE TUFECO UNION CONSTITUTION.

NOTE: Council 82 is circulating what they claim to be copies of the TUFECO Union Constitution. As of this date, we are unable to determine whether the material they are handing out is accurate or authentic. All references to Articles and page numbers shown above have been authenticated with our General Counsel in Albany.



## THE FACTS

1. Isn't it a fact that the five (5) original members of TUF~~CO~~ have elected themselves as the "EXECUTIVE BOARD OF DIRECTORS" for a term of FIVE (5) years?  
Dennis Fitzpatrick                      Kevin Casey                      James Morrissey  
Bruce Farrell                              Marion Dantzler
2. Isn't it also a fact that at NO TIME was their constitution voluntarily issued to any member of our bargaining unit? FACT: Council 82 obtained the TUF~~CO~~ constitution through legal channels.
3. Is it not also a fact, that once released by Council 82, the TUF~~CO~~ representatives refused to accept ownership of their own constitution?
4. Isn't it true that TUF~~CO~~ representatives alleged their union was for "CORRECTION OFFICERS ONLY"? FACT: Their constitution states otherwise ...."Not limited to C.O.'s".
5. FACT: TUF~~CO~~'s headquarters to be held in Hudson Falls. Six (6) months ago they referred to C-82 headquarters in Albany as a distant bureaucracy. FACT: TUF~~CO~~'s constitution also states: "May have other suboffices either WITHIN OR WITHOUT the state of New York as the Executive Board of Directors may require". QUESTION: Where are they going to be in the winter months? Hawaii maybe or Florida? With a toll free number for you to leave your message on a recording at the other end!
6. FACT: To join the TUF~~CO~~ union, in accordance with their constitution, you must first pay: 1. An initiation fee, 2. An admission fee, 3. An application fee and 4. A registration fee. The cost of these fees will be set by the Executive Board of Directors. (We find that out AFTER they get elected).
7. FACT: Compensation will be paid to: 1. The Executive Board of Directors, 2. Business Agents, 3. Assistant Business Agents and 4. C.P.A.'s, etc. These salaries to be set by the Executive Board of Directors. (We find that out also AFTER they get elected).
8. FACT: All money will be controlled at TUF~~CO~~ Union headquarters. Locals will be required to pay: 1. Annual fees, 2. Per capita taxes, 3. Special assessments and 4. Assessments of members.
9. FACT: "Subject to the approval of the Executive Board of Directors, each local shall have the power to fix the dues of its members". (Where do you think all of the above money is coming from? In addition to the offices, typewriters, computers, etc. they are going to need? Answer: YOUR DUES!!!)
10. FACT: To run for office in the TUF~~CO~~ union, you must first produce 200 "valid" signatures on a petition, 90 days prior to elections, to later be approved or rejected by their C.P.A. at union headquarters. Question: Would you consider this a deterrent to running for office?
11. FACT: Dennis Fitzpatrick and James Morrissey negotiated a contract representing management against our brother union, Council 66, while holding union positions in Council 82. Later this action was protested by Council 66 through C-82 and A.F.S.C.M.E., who were not aware, nor responsible for their underhanded actions. QUESTION: Why does James Morrissey continue to submit resumes to Building #2, Labor Relations (Management) for employment.
12. Isn't it a fact that James Morrissey has a \$500,000 lawsuit against him for failure to represent a C.O. at Auburn when he was the Union President.
13. FACT: Downstate Local 399 was placed in Administratorship by A.F.S.C.M.E. as a result of an audit that was conducted discovering a deficit of approximately \$37,000, during the period of time that Bruce Farrell was President and Marion Dantzler was Treasurer.

ON A FINAL NOTE, JUST THINK ABOUT SOME OF THE LIES AND SURPRISES WE'VE GOTTEN SO FAR FROM THE T.U.F.C.O. LEADERS: 1. They started by denying the challenge of Council 82. (Published in the Legislative Gazette). 2. Their big claim was to break-away from Non-Correction groups and just represent Correction Officers. "A union just for Correction Officers". Sounds good, but we were fooled again! 3. Only through legal means by C-82 were we able to see their constitution, of which they denied writing. QUESTION: WHAT OTHER LIES AND SURPRISES ARE WE IN FOR IF THEY BECOME OUR BARGAINING UNIT?

The above statements are just a few of the eye opening facts concerning the leaders of TUF~~CO~~. Do you feel as though you could gamble with such things as MONEY, INSURANCES, TIME-OFF and SENIORITY, and risk losing them. FOLLOWING LOSERS USUALLY RESULTS IN SUFFERING LOSSES, AND REALIZING IT WHEN ITS TOO LATE!!!



DENNIS J. FITZPATRICK  
10 FIRST STREET  
HUDSON FALLS, N.Y. 12839  
PHONE 518-747-0696

JAMES MORRISSEY  
24 FLEMING STREET  
AUBURN, N.Y. 13021  
PHONE 315-252-0525

Dec. 17, 1980

Mr. Patrick Walsh  
President-Village Board  
422 Main Street  
Catskill, N. Y. 12414

Dear Sir;

On August 26, 1980, a letter of introduction was sent to you, asking that we be considered for any upcoming consultant work. On Dec. 10, 1980, Mrs. Florence Fielman called and indicated the Village is in need of a negotiator. She requested that we prepare a proposal and send it to you for the entire Board's review. If we are accepted, we will require the following:

1. In preparation for negotiations, we would require a meeting with the Board, to establish the direction the Village is seeking on possible changes in the present agreement.
2. Copies of the past two agreements.
3. Time sheets on employees.
4. The Village's projected budget on salaries for the bargaining unit.
5. The use of Village Attorneys for legal advice on contract language if needed.

We will serve as negotiators for the Village of Catskill until a final agreement is reached. We will prepare, review and draft contract proposals.

Our fee is \$2,500.00, paid in installments of \$500.00 down and the balance paid at the conclusion of negotiations.

If negotiations require mediation, fact finding or arbitration, an additional \$500.00 will be required. We look forward to serving you and will try to make this negotiation process a smooth and efficient effort. If you have any questions or need further clarification, please feel free to call.

Sincerely,

*Dennis J. Fitzpatrick*  
Dennis J. Fitzpatrick

DJF:kaf

*Patrick Walsh*  
*James Morrissey*

*Dennis J. Fitzpatrick 1-27-81*  
*James Morrissey 1/27/81*  
*Im Fielman*

**AFSCME** / *New York State*  
American Federation of State, County, and Municipal Employees  
99 Washington Avenue, Suite 1116, Albany, New York 12210  
Telephone: (518)465-4585

March 26, 1981

Mr. Thomas Holland  
Executive Director  
AFSCME Council 82  
63 Colvin Avenue  
Albany, New York 12206

Dear Brother Holland:

You will recall the objections raised by Council 66 Executive Director Joe Querino regarding the activities of two Council 82 activists, Thomas Fitzpatrick and James Morrissey. They have appeared as negotiators for the Village of Catskill against one of Council 66's locals.

I have suggested to you that the best solution to this problem is for the two individuals to quit helping the boss screw the workers. Failing that, then to save Council 82 and AFSCME embarrassment, they ought to resign their roles as representatives of Council 82 members.

I would like to receive in writing a response from you so that I may respond to Brother Querino.

Fraternally,

*Robert W. McEnroe*  
Robert W. McEnroe  
International Union  
Area Director

cc: Joseph Querino  
Tony Gingello  
Tony Corbo

**This was AFSCME's opinion of the Catskill Judas episode**

TREASURER OF THE VILLAGE  
OF CATSKILL  
CATSKILL, N.Y. 12414

MARINE MIDLAND BANK, N.A.  
CATSKILL, N.Y. 12414

2119

Feb. 10 19 81

50-42  
213

VILLAGE OF CATSKILL **500000** DOLLARS \$ 500.00

COUNCIL 82  
**RECEIVED**  
MAR 27 1981  
TO THE ORDER OF  
AFSCME AFL-CIO

Dennis Fitzpatrick  
10 First St.  
Hudson Falls, NY 12839

*Carlynn Stevens*  
CLEAN TREAS. COLLECTOR

TREASURER OF THE VILLAGE  
OF CATSKILL  
CATSKILL, N.Y. 12414

MARINE MIDLAND BANK, N.A.  
CATSKILL, N.Y. 12414

2363

May 12 19 81

50-42  
213

VILLAGE OF CATSKILL **1100000** DOLLARS \$ 1,100.00

TO THE ORDER OF

Dennis Fitzpatrick  
10 First St.  
Hudson Falls, N.Y. 12839

*Carlynn Stevens*  
CLEAN TREAS. COLLECTOR

002363 021300420 116 30021 3 0000110000

TREASURER OF THE VILLAGE  
OF CATSKILL  
CATSKILL, N.Y. 12414

MARINE MIDLAND BANK, N.A.  
CATSKILL, N.Y. 12414

2376

May 12 19 81

50-42  
213

PAY TO THE ORDER OF VILLAGE OF CATSKILL **900000** DOLLARS \$ 900.00

TO THE ORDER OF

**RECEIVED**  
AUBURN SAVINGS BANK  
James Morrissey  
24 Fleming St.  
Auburn, N.Y. 13021

*Carlynn Stevens*  
CLEAN TREAS. COLLECTOR

002376 021300420 116 30021 3 0000090000



IN RESPONSE TO, " More on the facts that should be known".

THE AUTHOR OF THAT ARTICLE OBVIOUSLY HASN'T READ WEBSTER'S DEFINITION OF "FACTS". FACTS ARE "ACTUAL HAPPENINGS". INSTEAD, THE FLIER WAS FULL OF "FALSE STATEMENTS", WHICH IS WEBSTER'S DEFINITION OF A "LIE". "FALSE" MEANS "NOT TRUE OR REAL", WHICH IS EXACTLY THE WAY IT WAS WRITTEN. THE AUTHOR STATES, "LETS GET SOME MORE FACTS STRAGHT". WEBSTER SPELLS STRAIGHT WITH AN "I". HOW CAN SOMEONE BE EXPECTED TO GET ANYTHING STRAIGHT WHEN THEY CAN'T EVEN SPELL IT. BY THE WAY THEY SPELLED IT, THEY OBVIOUSLY DON'T KNOW WHAT IT MEANS. NOW, LETS CLEAR UP THE F A B R I C A T I O N:

1. History of the Local 1255 Executive Board. Please see the minutes of 8/25/83 taken by former Recording Secretary James Vasile.
2. The Convention. Please see Enforcer dated October 1984.
3. The pretty F.C.F. Van with the Council 82 logo was painted by Executive Board Member Robert Forrest (who did a beautiful job!), and was paid for by Local 1255 President Ronald Edwards, NOT the dues paying members of Local 1255. Check out your financial reports to verify this.
4. Executive Director Jack Burke was suspended from holding office in Council 82 for approximately one (1) year (not three (3) years) as a result of his attempts to gain more CORRECTION seats on the Council 82 Executive Board. At that time, we (CORRECTION) were grossly out-numbered by the NON-CORRECTION seats on the Council 82 Executive Board. We only had two (2) seats. Through his determination and efforts to get us more positions and votes in this union, he went to Washington, D.C. At the International Convention, he was not only reinstated to his position as President of Elmira, but he was successful in increasing the number of seats we now have on the Council 82 Executive Board. We now have fourteen (14) seats and seven (7) times the voting power thanks to him. As far as his appointment is concerned, he was already elected as President of Council 82 when he was hired by the 25 Vice-Presidents (who are elected by the membership) of Council 82 to fill the Executive Director position as a result of the loss of our former Executive Director.
5. Our current President's National Guard unit was activated along with about 60 other employees' units at Fishkill Correctional Facility during the 1979 strike.
6. One of our current Vice-Presidents of Local 1255 was called by the Albany Personnel/ Reassignment Section to become a Correction Officer during the 1979 strike and she DECLINED! She remained working as a Stenographer in the Personnel Office, as part of a completely different bargaining unit, and NEVER, AT NO TIME did the job of a Correction Officer once during the 1979 strike.

IN CLOSING, IT SHOULD BE KNOWN THAT WE HAVE AN INDIVIDUAL WALKING AROUND FRANK'S TAVERN DISPLAYING A CANCELLED CHECK MADE OUT TO CASH, ENDORSED BY OUR CURRENT PRESIDENT AND CASHED AT A LIQUOR STORE. WHAT HE ISN'T TELLING EVERYONE IS THAT THE CHECK WAS CASHED AT MARINACCHIO'S LIQUOR STORE, WHO ALSO OWNED THE DELICATESSEN RIGHT NEXT DOOR (CALLED HOMETOWN DELI). THIS MONEY WAS USED TO PURCHASE COFFEE AND SANDWICHES FOR ALL THE EMPLOYEES ON STRIKE AT FISHKILL CORRECTIONAL FACILITY AND TO PURCHASE COFFEE AND DOUGHNUTS FOR THE EMPLOYEES AT DOWNSTATE CORRECTIONAL FACILITY THAT WERE ON STRIKE DURING THE PERIOD APRIL 18, 1979 TO MAY 4, 1979. THE REASON WE PURCHASED REFRESHMENTS FOR DOWNSTATE IS BECAUSE THEY WERE SHORT ON FUNDS, AND IF YOU CHECK BACK, YOU WILL FIND THAT THE SAME PERSON WALKING AROUND WITH THE CHECK, IS THE PERSON WHO WAS THE PRESIDENT OF DOWNSTATE AT THE TIME OF THE STRIKE WHEN THEY WERE "SHORT" OF FUNDS. IS THIS PERSON NOW TRYING TO SAY THAT WE SHOULDN'T HAVE FED OUR OWN PEOPLE WHILE THEY WERE OUT OF WORK, FIGHTING FOR A COMMON CAUSE?



TO: JACK, HOLLY, DICK, FRANC

FROM: YOU GUESSED IT!

Re: N.Y. Registrations At TUFCO Conv. - of 12/13/84.

- ① 7398-AZU: John Herzog - Glens Falls N.Y.
- ② 305-OBCE: Ron Butler - " " "
- ③ 5461-AKA: Dave Williams - Comstock, N.Y.
- ④ 6087-AJF: MARGE Campbell - Glens Falls N.Y.
- ⑤ 95159-GN: Jeff Rabida - " " "
- \*\* ⑥ 94089-GN: KEVIN CASEY - FORT EDWARD "
- ⑦ 9912-BCY: AL TRIP - HUDSON FALLS "
- ⑧ 8212-AET: Roberta Diehl - SARATOGA "
- ⑨ 383-GTR: EVAN ARCHER - CAMBRIDGE "
- \* ⑩ 481-VJE: Pete Sherwood - Highland N.Y.
- ⑪ 695-IRB: William Genier - FORT ANN "
- ⑫ 247-LME: PAT VAN EUNDER - WHITEHALL "
- \*\* ⑬ 12433-GK: DENNIS FITZPATRICK - HUDSON FALLS "
- ⑭ 991-EYE: REGINALD COTE - GLENS FALLS "

\*\* = Our Buddies

\* - This gentleman surrendered these plates (purportedly) back in 1982 - he is supposed to be using 8674-ADM - wonder how he kept plates?



MEMORANDUM

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

*Speak to coworkers*

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.
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.

| <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.      |

\*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.

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 + 2,468  
 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.

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 TUFECO, 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).

*Return the  
ballot  
party*





File TUFCO

STATE OF NEW YORK  
GOVERNOR'S OFFICE OF EMPLOYEE RELATIONS  
AGENCY BUILDING NO. 2  
ALBANY, NEW YORK 12223

COUNCIL 82  
**RECEIVED**  
SEP 21 1984  
AFSCME AFL-CIO  
NANCY L. HODES  
EXECUTIVE DEPUTY DIRECTOR  
JOSEPH M. BRESS  
GENERAL COUNSEL

THOMAS F. HARTNETT  
DIRECTOR

September 19, 1984

Jeffrey H. Brozyna, Esq.  
Attorney at Law  
313 Washington Avenue  
Albany, New York 12206

Dear Mr. Brozyna:

Regarding your letter dated September 14, 1984 and our telephone conversation today, I have alerted the Department of Correctional Services, Labor Relations Bureau that you have complained about Council 82 distributing anti-TUFCO petitions at the Fishkill, Downstate and Ossining facilities. While you were unable to furnish me with dates, times, sites or names, such activity if performed in work locations would violate our guidelines.

The Department is looking into your allegations and Council 82, which shall receive a copy of this letter, is hereby notified that such activity if violative of our guidelines cannot be condoned.

Sincerely,

Walter J. Pellegrini  
Deputy Counsel

cc: Thomas F. Hartnett  
Joseph M. Bress  
Kevin Breen  
= ✓ John Burke  
Thomas A. Gibbs

9-24-84  
copy  
Rich  
Holly  
Frank  
JWB:kd



JEFFREY H. BROZYNA  
ATTORNEY AT LAW  
313 WASHINGTON AVE.  
ALBANY, NEW YORK 12206

PHONE 518-465-3352

September 14, 1984

Mr. Thomas Hartnett  
State of New York  
Office of Employee Relations  
Agency Bldg. #2 E.S.P.  
Albany, New York 12223

Re: The Union of Federated Correction Officers (TUFCO Union)  
Council 82 campaign activity in the jails

Dear Mr. Hartnett:

At their convention in Syracuse on September 12, 1984, Council 82 adopted an anti-TUFCO petition to be circulated in the jails for signatures. These petitions are to be returned to Albany on September 21, 1984 for use against TUFCO Union at PERB on September 26, 1984.

I expect that the State will enforce the O.E.R. Access Rules as stringently against Council 82 as it did during TUFCO Union's campaign over the past several months.

TUFCO Union representatives have been instructed to report Council 82 activity directly to their watch commanders if such campaign activity takes place on working time in working areas.

We will be monitoring this situation carefully.

Very truly yours,

*Jeffrey H. Brozyna*

Jeffrey H. Brozyna, Esq.

JHB/ns

9-19-84

cc: R Rowley  
Chris Gardner  
H. Chase  
J. Puma  
R. Bischoff  
J. Benedetto  
JWB:kd



Dennis Fitzpatrick  
10 First St.  
Hudson Falls, ny 12839

Bruce Farrell  
2 Hudson View Dr.  
Newburgh, ny 12550

Kevin Casey  
62 Crandall St  
Glens Falls, ny 12801

Manson Dartzler  
325 E. 106th St.  
New York, ny 10029

James Morrissey  
24 Fleming St  
Auburn ny 13021





STATE OF NEW YORK  
GOVERNOR'S OFFICE OF EMPLOYEE RELATIONS  
AGENCY BUILDING NO. 2  
ALBANY, NEW YORK 12223

THOMAS F. HARTNETT  
DIRECTOR

NANCY L. HODES  
EXECUTIVE DEPUTY DIRECTOR  
JOSEPH M. BRESS  
GENERAL COUNSEL

July 12, 1984

Jeffrey H. Brozyna, Esq.  
313 Washington Avenue  
Albany, New York 12206

Dear Mr. Brozyna:

Regarding your letter dated June 21, 1984, many of the incidents recited are new to me. However, I will address the issues raised.

1. The State of New York will not and cannot discipline a State employee solely for signing a TUFCAO petition card. The information you impart in your paragraph numbered 1 is heretofore unreported. I will reiterate to you now and Council 82 via a copy of this letter that campaigning shall not be condoned on work time in work areas. Violation of this rule can result in disciplinary action.

As to the representations that you allege are being made by Council 82 regarding TUFCAO cards, I can do no more than state what I have above.

2. The work rule prohibiting campaigning on work time in work areas applies to the allegations made in paragraph numbered 2. However, I cannot comment on whether any revocation slips are valid or fraudulent since that will be an issue decided by PERB.

3. I am sure you do not wish to imply that John W. Burke, Executive Director of Council 82 had any connection with alleged death threats because OER is the wrong agency for reports of criminal activity. No allegation is made that Council 82 has threatened Mr. West.

4. The testimony of certain TUFCAO adherents adduced before an administrative law judge of PERB regarding the Council 82 bulletin board at Fishkill will be evaluated by PERB with respect to whether the State of New York through OER or the Department of Correctional Services was guilty of any improper practices. The sworn testimony of Superintendent Theodore Reid of Fishkill Correctional Facility adduced on June 22, 1984 indicated that remedial action was undertaken with respect to the bulletin board issue after the receipt of the

7-16-84 cc: R. Bischoff  
F. Benedetto  
H. Chase  
J. Puma

JWB:kd



Details of Charge filed in Case Nos. U-7385 and U-7406. Superintendent Reid further testified that additional remedial action was taken after the June 18th testimony referred to above and that no complaints about the postings on Council 82's bulletin board had been received in the interim between the filing of charges and the June 18th hearing.

5. With respect to Sgt. Bruce Farrell, you are well aware that the occurrence at Downstate on June 13, 1984 led to extensive discussions between Mr. Dautner, Mr. O'Donnell and yourself to ensure equal opportunities for TUFCO and Council 82 to obtain the presence of witnesses at the pending hearing before PERB. Special arrangements concerning subpoena service to be effective only during the hearings before PERB concerning Case Nos. U-7373, U-7385 and U-7406 were agreed to by all three parties on or about June 15, 1984. In addition, the materials that Council 82 attempted to serve upon Sgt. Farrell were confiscated by representatives of the facility. At the request of Sgt. Farrell, these materials were returned to him.

6. As stated in my earlier letters, campaign material is not permitted on Council 82 bulletin boards, however, each facility administration determines after review of posted material whether such material is campaign material or not. As stated above, campaigning or distribution of campaign literature is not permitted on work time or in work areas.

Understand that each facility administration has the authority to administer these rules subject to the main programmatic needs of the Department--security. Unless this office is notified of alleged violations it can only expect that the campaign rules are being followed.

Copies of this correspondence is being sent to both Council 82 and the Department of Correctional Services for their information and instruction.

I trust this letter addresses the issues you raise, and the copies to Council 82 and DOCS reinforces our policy regarding a fair and equal campaign. Your letter of July 10, 1984 has been received and a response will be forthcoming.

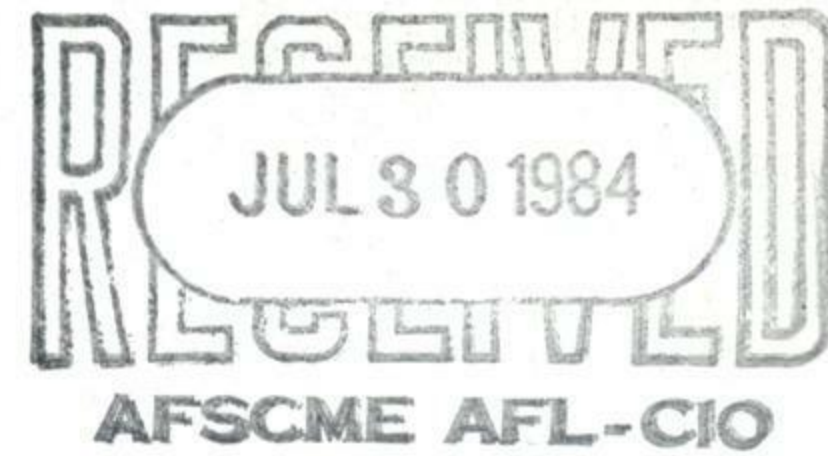
Sincerely,

Walter J. Pellegrini  
Deputy Counsel

cc: Thomas F. Hartnett  
Joseph M. Bress  
Thomas A. Gibbs  
✓ John W. Burke  
John J. Cassidy



TO: N.Y.S CORRECTION OFFICERS  
COUNCIL 82  
TUFCO



FROM: JOHN BORDI, CORRECTION OFFICER

There is the old saying "two heads are better than one", but there may be situations that require yet another solution to a set of problems. Such a case in point is the existing infrastructure of support systems and services for New York State Correction Officers: AFL-CIO, TUFCO, and COBA. Lets examine these support systems under a central theme - NEW YORK STATE CORRECTION OFFICERS.

The time has come for the realization of two basic facts that are all-to-often ignored, but are pivotal to the solutions sought after by AFL-CIO, TUFCO, and COBA.

New York State Correction Officers contribute \$500,000.00 a half million dollars each and every single year to the coffers of the AFL-CIO in Washington D.C. and for 99% of the time - each and every single year do we, the Correction Officers of New York State, ever see a penny of it, use it directly, or even control what is done with these funds; let alone the sheer interest collected and invested.

That any politician, in any state, that received such a return of such huge amounts of monies would certainly face a sound defeat in a election recall with horrific press coverage and demands for investigations for years.

And what are the Correction Officers of this fine state doing? Adding yet another union? Why add something that already exists when consolidation of present state support services and withdrawal from national albatross could perhaps create the finest lobbying force possible for ourselves. Please - ponder with me and think of the possibilities - let alone of the ramifications.

The current negotiating rules and regulation procedures that should keep the administration and officers in synchronization do exist, but are all-too-often ignored and not properly forced into a strong negotiating perspective for the correction officer. The AFL-CIO, (AFSCME, COUNCIL 82) in Albany has, at times, certainly displayed the expertise, but nowadays lacks the necessary luster because Correction Officers are but a part of their organizational structure. On the other hand, the TUFCO and COBA organizations possess all of the necessary motivation and drive but lack in experience and funding.

An evident answer now begins to appear on the horizon for the New York State Correction Officer. Why send half a million dollars, per year, out of state when we can correctly unionize and organize ourselves, fund ourselves hire the finest staff available from these existing support services, and really get matters accomplished for ourselves. Does anyone seriously believe that we couldn't hire, with \$500,000.00 per year, the best bargaining organization specifically targeted for NEW YORK STATE CORRECTION OFFICERS?

Or should we continue to send half a million dollars per year to the bureaucratic jungle that does not meet our concerns full time - only needing our money constantly and probably weakening our present structure with two unions vying at each others throats rather than our issues and concerns?

The solution will take hard work, organizational motivation and money. Ninety percent of all such union efforts start with only the hard work and organizational motivation.

Why do I suddenly feel so stupid?

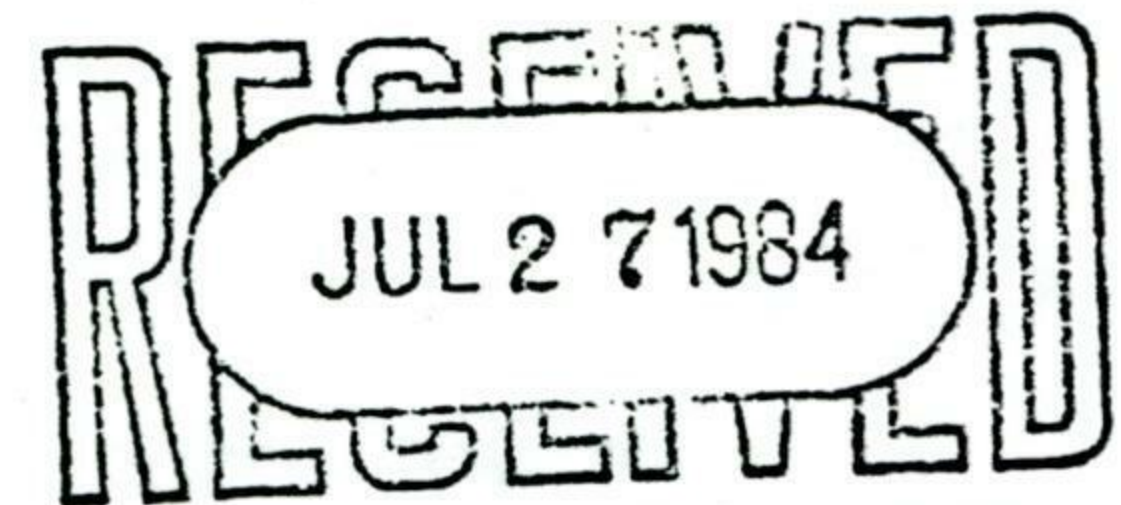




UNITED STATES POST OFFICE  
ELMIRA, NY 14901

July 17, 1984

COUNCIL 82



AFSCME AFL-CIO

American Agriculturist  
P.O. Box 516  
Ithaca, N.Y. 14850

Gentlemen:

A determination has been made regarding the improperly made Business Bulk Mailing of February 21, 1984 on your Permit # 13 on behalf of THE UNITED FEDERATION OF CORRECTION OFFICERS, INC.

The organization is not an integral part of your firm, with the only common factor being that the National Casualty Insurance Company is the Agent for your firm, and TUFCO Inc. It would not be out of the realm of possibility that National Casualty is also the Agent for many other organizations, however this does not meet the criteria for sharing or using a client's assigned Bulk Business Mail Permit.

Therefore, it is our decision to find that this mail should not have been mailed on the permit of another, and since TUFCO does not have a permit at our office, declare it to be a Revenue Deficiency of \$361.53. This amount was arrived at by taking the number of pieces in the mailing, 4017, times the .09¢ difference between the .11¢ charged and the single piece rate for third class mail, which is .20¢.

Furthermore, please be advised that it is not permissible to mail matter for other than your organization under your permit for Bulk Business Mail, and your Permit Imprint.

The above mentioned Revenue Deficiency should be taken care of as soon as possible, but no longer than 90 days from the receipt of this letter. This would mean a target date of October 18, 1984 for payment to have been made. Thank you for your understanding in this matter, and should you have a question regarding this Deficiency, please contact me at (607) 734-5188.

Sincerely,

*Richard L. Dalton*

Richard L. Dalton  
Manager, Customer Services  
U.S. Postal Service  
Elmira, N.Y. 14901-9998

*7/27/84 cc file*

*Original to C. Gardner  
7-30-84*

*cc: R. Bischoff*

*H. Chase*

*A. Benedetto*

*T. P. ...*

*JWB:ka*



# Q's and A's

Q. WHO IS TUFCO ??

A. TUFCO WAS FORMED BY A GROUP OF UNION ACTIVISTS WHO FORMERLY HELD HIGH LEVEL POSITIONS IN COUNCIL 82. THEY ARE NOT "NEWCOMERS".

Q. ARE THEY QUALIFIED ??

A. THEY ARE ALL EXPERIENCED, AND HAVE PERFORMED WELL IN THE PAST.

Q. CAN THEY DELIVER AN "ALL CORRECTION OFFICERS" UNION ??

A. THIS IS REALLY A MOOT POINT. THE NON-CORRECTION FACTIONS IN THE COUNCIL, ALTHOUGH THEY PAY DUES, HAVE LITTLE INFLUENCE ON COUNCIL POLICY. CORRECTIONS CONTROLS THE COUNCIL, AND THE OTHERS WOULD BE THE FIRST TO ADMIT IT.

Q. WILL PROFESSIONAL NEGOTIATORS HELP US ??

A. NOT NECESSARILY. IN PUBLIC EMPLOYMENT, THERE ARE JUST SO MANY PIECES OF THE "PIE" TO CUT UP, AND THE PUBLIC SELDOM LOOKS FAVORABLY UPON STRIKES BY PUBLIC SERVANTS. OUR PRESENT CONTRACT IS AN EXCELLENT ONE, BY ANY STANDARDS, ESPECIALLY IN VIEW OF CURRENT LABOR MANAGEMENT DEVELOPMENTS NATIONWIDE.

Q. HAS TUFCO GIVEN SING SING ITS DUE AMOUNT OF ATTENTION ??

A. NOT HARDLY. WE HAVE BEEN IGNORED FOR MORE THAN A YEAR, WHILE THE ONLY WORD WE HEARD ABOUT TUFCO WAS FROM NEWLY ARRIVING YOUNG OFFICERS. THE RECENT VISIT FROM TUFCO LEADERS SEEMS LIKE AN "AFTERTHOUGHT".

Q. CAN STATEWIDE ELECTIONS WORK ??

A. IT WOULD BE DIFFICULT, TO SAY THE LEAST. HOW COULD A CANDIDATE FROM SING SING GAIN THE SUPPORT OF MEMBERS AT AUBURN OR ATTICA? THE PRESENT SYSTEM WORKS WELL, EXCEPT THAT THE COUNCIL HAS A HABIT OF USING "PRESSURE POLITICS" TO EXCLUDE THOSE IT DOES NOT FAVOR, EVEN IF THE LOCAL UNION KEEPS RETURNING THAT PERSON TO OFFICE. THEY SHOULD REALIZE THAT THIS IS WHAT "SOWS THE SEEDS" FOR TUFÇOS.

SUMMARY: WE HERE AT SING SING SHOULD NOT TAKE SIDES IN THIS BATTLE, BUT, INSTEAD, WE SHOULD CONCENTRATE ON SENDING THE BEST LOCAL LEADERS UPSTATE TO DEAL WITH WHOEVER WINS, WITH THE INTERESTS OF OUR OWN MEMBERSHIP IN MIND.

SHOULD THERE BE AN ELECTION, VOTE YOUR CONVICTIONS, OF COURSE, BUT YOU OWE IT TO YOUR LOVED ONES AND YOURSELF TO BE INFORMED ABOUT BOTH FACTIONS BECAUSE YOUR VOTE WILL INFLUENCE THE REST OF YOUR LIVES.



file TUFCO

LONG & BOYAJIAN  
ATTORNEYS AND COUNSELORS AT LAW  
90 STATE STREET  
SUITE 1436  
ALBANY, NEW YORK 12207  
518 463 7784

COUNCIL 82

RECEIVED  
JUN 4 1984  
AFSCME AFL-CIO

JAMES E. LONG  
DONALD W. BOYAJIAN

May 16, 1984

REPLY TO:  
 ALBANY OFFICE  
 WATERFORD OFFICE  
P.O. BOX 293  
WATERFORD, NY 12188  
518 237 3904

Mr. John Burke  
Council '82  
AFL-CIO  
63 Colvin Avenue  
Albany, NY 12205

Dear Mr. Burke:

My apologies for taking so long to get back to you since our meeting last month. My clients have discussed this matter at great length and have instructed me to convey the following information to you regarding the proposals that they have to offer to your union membership and the benefits to both the union membership, ourselves, and the union leadership. My clients feel that the certain insurance programs that they wish to offer will not significantly interfere with your present insurance program with the Mang Agency. Their proposal will, however, give broader family protection and interaction, give increased visibility of the union with its members, enhance the credibility of the union leadership with its members by offering these varied programs, create closer membership interaction (through some of the self-policing proposals of this insurance package), offer nationwide opportunities. Being slightly more specific, the packages proposed could create flexible waiting periods for payment. It gives discretionary authority to the union leadership which is managing these funds to increase benefits. It gives administrative control of the premium funds to the union leadership; it can provide more rapid claim service and greater protection against adverse benefits experience.

The specific new program we discussed at our meeting, wherein the union leadership would control the investment of certain insurance funds, which for the sake of clarity I shall call this the Vigliotti proposal, gives permanent death protection (that is permanent life insurance policy), it guarantees it's issue, it gives expanded family coverage, and great investment flexibility on your part. It provides a flexible premium schedule, which allows the individual member to elect the degree of coverage they so desire, and it further gives disability protection, should that arise. This program provides customized contracts at group rates. This would mean that you would be able to certainly negotiate through us with the ultimate insurer as to how you wish the rate set up and the other specifics.

6-4-84  
cc: Dick Bischoff  
Holly Chase  
Frank Benedetto  
Joe [unclear]

Respond By Wed.  
6-7-84



Letter to John Burke  
May 16, 1984  
Page 2

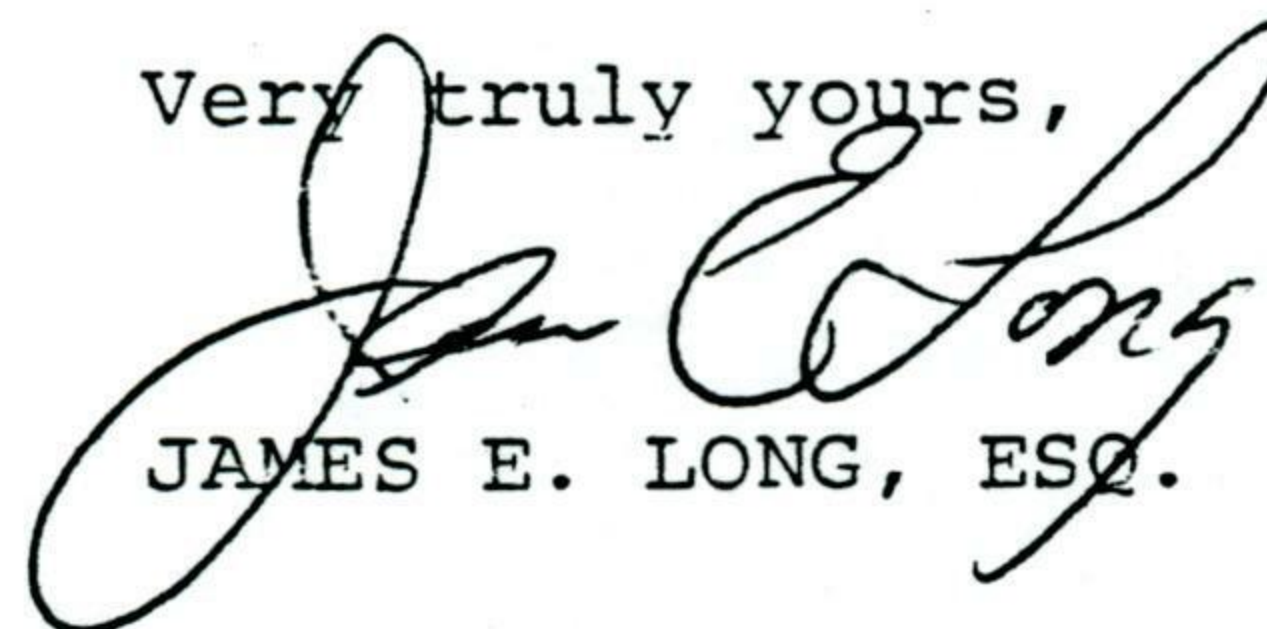
There flows from this program a natural growing cash accumulation and certain estate protection. There is easy access to the cash fund since it is managed primarily by the union leadership and there are varied settlement options. The access to these funds is also available to each and every member of Council 82 and, as we stated, Council 82 is the owner of this package. There are numerous other broader packages which can be offered. These would include dental, optical, severance pay, vacation pay, condominium conceptions, educational funding and medical benefits which allow administrative control of premiums, investment options, catastrophic benefit protection and expended lifetime benefits.

While many of the above may appear technical in some aspects and generally broad in others, these are the areas that my clients feel they can best offer Council 82, and of course this offer would be directed to the present leadership.

Lastly, as I am sure you are aware, we are more than happy in conjunction with this proposal, to discuss further the pending possible representation election between yourselves and TUFCO.

Please call the undersigned if you would like an additional meeting with our group regarding these proposals and any other information you may desire.

Very truly yours,



JAMES E. LONG, ESQ.

JEL:sbs



5/15/84

To Mrs Koepper  
Pres. Local 613

This note is to advise you, members of Local 613, and Council 82, that I pledge my allegiance and fidelity. Prior to my appointment, to Executive Board of Local 613, I had signed a TUFCO (Affiliation) card. I no longer wish to support this group in any way shape or form. I am drafting a letter to be sent to TUFCO National Headquarters requesting my name from their records. I will also advise them that I no longer support them or their ideas in any manner.

I hope there will be no repercussions for this prior indiscretion.

Let me say again that I pledge my allegiance and fidelity to Council 82 and Local 613  
Raymond W Van Gelder

5-29-84

cc: D. Bzschert  
F. Benedetto  
W. Cavanaugh  
JWB:rd

COUNCIL 82  
**RECEIVED**  
MAY 22 1984  
AFSCME AFL-CIO



First Prize: \$500<sup>00</sup> U.S. Savings Bond

Second Prize: 19" Color Television

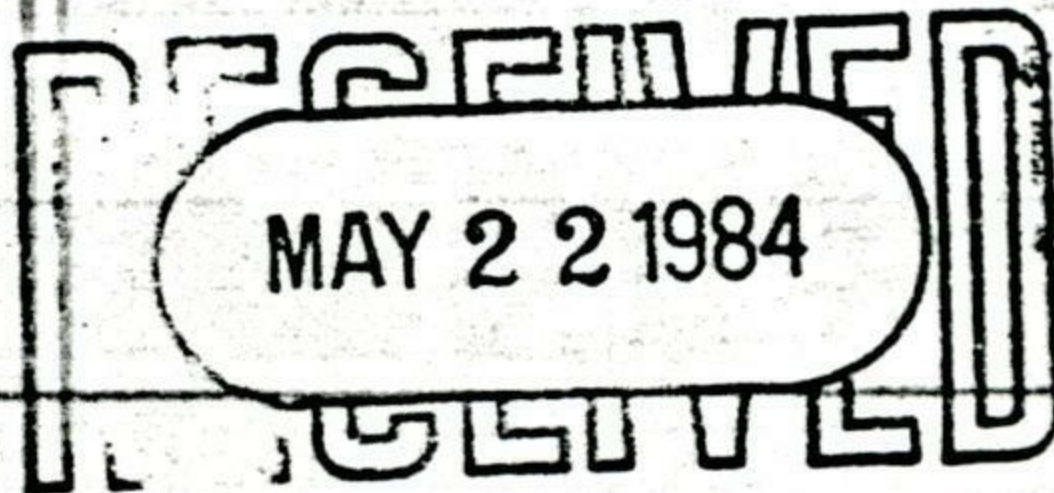
Third Prize: \$100<sup>00</sup> in Cash

★ Drawing - June 9th, 1984 ★

Your donation is going to help T.U.F.C.O. Assoc.  
and the Issuing Sponsor of the this ticket.

Donation \$2.00

COUNCIL 82



AFL-CIO

5-30-84  
cc: H. Chase  
J. Bischoff  
F. Benedetto  
JWB:kd  
MAY 18, 1984

DEAR MR. BURKE,

RICH LESNIAK HAD ASKED  
ME TO SEND THIS STUB FROM A  
RAFFLE BEING HELD BY T.U.F.C.O.  
TO YOU.

A STUDENT FROM THE WALLKILL  
HIGH SCHOOL WAS SELLING THEM  
FOR A GIRL HE KNOWS. IF I  
SEE THIS STUDENT I'LL TRY AND  
FIND OUT THE GIRL'S NAME.

THE RAFFLE TICKET WAS PURCHASED  
APPROXIMATELY TWO WEEKS AGO BY  
MY MOTHER.

SINCERELY

HAROLD BREWER, SHOP-STEWARD  
LOCAL #1790, LETCHWORTH VILLAGE D.C.



# THE UNION OF FEDERATED CORRECTION OFFICERS — THE ALTERNATIVE HAS ARRIVED!!

## The Legal Procedure For Electing a New Bargaining Agent

The State enacted the Taylor Law in order to regulate the activities of public employers and labor unions in the public sector. Council 82 has generated a large amount of propaganda in which they alleged that you will lose certain contractual and legal rights if TUFECO Union is elected to replace them as bargaining agent for the Securities Services Unit. Nothing is further from the truth and the purpose of this article is to give you the straight story.

The Taylor Law requires that any union that is to be a bargaining agent for a unit of State employees must be an "employee organization." TUFECO Union qualifies as such an "employee organization" by virtue of its written constitution.

If a challenging union such as TUFECO Union can demonstrate a sufficient interest in its program, PERB (Public Employee Relations Board) will call for a representative election in order to determine whether you want a new bargaining agent. Under the Taylor Law, this showing of interest can be met if 30% of the bargaining unit sign petition cards designated for this purpose. These cards must be signed within six months of August, 1984 in order to be valid. TUFECO Union is in the process of complying with this requirement.

These signature cards are confidential material. They cannot be legally seized by Council 82 or by the State or by anyone else for that matter.

Once TUFECO Union has delivered their required 30% in the form of signature cards, PERB will declare that a secret ballot election will be held between TUFECO Union and Council 82. This election would probably be held sometime in September or October of 1984. Once TUFECO Union obtains a majority of the votes cast in that election, TUFECO Union will replace Council 82 as the bargaining agent for your unit. It will then be TUFECO Union's responsibility to negotiate the collective bargaining agreement and contract with the State of New York.

Council 82, through its propaganda, has completely misstated the Taylor Law. When TUFECO Union is victorious, you will **not** lose your benefits under the existing contract. TUFECO Union, as your bargaining agent, takes over the existing contract. The existing contract expires on March 31, 1985. Even if no new contract is negotiated at that point in time, the Taylor Law, the Triborough Amendment, and certain court decisions provide that the State of New York is bound by the terms and conditions of the expired contract until a new contract is signed.

In the Triborough Amendment (Section 209-a(1) (e) of the Taylor Law) it states very clearly that the existing contract continues with the State if a new bargaining agent takes over the unit or if the contract date (March 31, 1985) passes without a new contract being signed. The law reads in part as follows:

**"Improper practices.** It shall be an improper practice for a public employer or its agents to deliberately . . . .

e) to refuse to continue all the terms of the expired agreement until a new agreement is negotiated . . . ."

In short, **none** of your rights are lost when TUFECO Union replaces Council 82 as your bargaining Agent.

Quite the contrary to Council 82's propaganda.



## **Additional Benefits Provided by TUFECO Union**

A union has a duty to negotiate the best possible contract with the employer. However, the union's responsibility does not stop there. Much more can be done, and it can be done independently from any restrictions imposed by the employer. Once TUFECO Union is certified as bargaining agent, we will provide benefits for you which Council 82 never dreamed of. We can do this without raising your dues. Because TUFECO Union is an independent union, the membership will save hundreds of thousands of dollars a year in monies that would otherwise have been paid to national and international organizations. This money can be redirected into new programs designed for the benefit of the membership. Specifically, we will establish the following programs independent of the contract once we have unseated Council 82.:

1. **What should you do if you face a disciplinary proceeding?** In the past it has been the correction officer who has been at a disadvantage. It seems there is no limit to the legal representation that the State can provide itself, nor is there any shortage of attorneys to represent inmates. By providing you legal counsel, we will even the odds, and we will get the word out that we are not to be taken lightly.

A toll free telephone number will be provided directly to the office of our general counsel in Albany. You will have an opportunity to explain your predicament to our legal staff. Legal representation will be provided for you at no cost.

2. **What should you do if you have a legal problem of a personal nature?** TUFECO Union will establish a prepaid legal services program. Such programs are authorized by the Internal Revenue Code and many progressive unions across the country utilize this. Such a program provides legal representation to you. Certain legal services are provided at no cost. For other legal services, attorneys can be provided at a reasonable fee which is set by TUFECO Union.

Examples of free services would be: initial telephone consultations with attorneys, initial conference with an attorney, representation in workman's compensation proceedings, and other services as our program develops.

Special group rates will be provided for such services as real estate closings, family law and matrimonial situations, civil lawsuits, traffic violations, etc. A union member will be responsible for the legal services of this type which he obtains, however, the services will be provided at special agreed to rates which have been negotiated between the Union and participating attorneys. If you have an attorney already, and if he is willing to meet the requirements of the program, you may utilize his services if you wish.

3. **What do I do in event of a health or financial disaster?** TUFECO Union will establish a state-wide disaster fund in order to assist correction officers and their families who are in need. It is high time that your union stand behind you in the event of medical emergency, financial stress, and personal tragedy. A committee will be established to review potential recipients and it will be their job to see to it that you and your family never stand alone in your hour of need.

A toll free telephone number will be provided so that you can get prompt service. Committees will be established at the regional level in order to evaluate your situation and provide financial help if necessary.

4. **How do I pay for my children's college education?** TUFECO Union will establish a system of educational scholarships to assist your children in gaining a college



education. TUFACO Union will establish a fund which will generate sufficient earnings to assist all dependent children of union members who wish to attend college. Each year a certain amount of money will be allocated in the budget for assistant scholarships, and those funds will be divided equally among all college bound dependents.

There will be larger scholarships available on a scholastic basis, a need basis, and athletic scholarships as well.

All the earnings on the educational funds will be allocated for your college bound children. The scholarship per pupil will be determined by the earnings of the educational fund, and the number of children who attend college in that given year.

**5. Who will help me in finding lower rates in life insurance and disability insurance?** There is strength in numbers. TUFACO Union will provide lower rates for life insurance and disability insurance through its bargaining position. This will be accomplished by constantly monitoring the ever changing insurance market and by negotiating group rates where possible with insurance carriers. Council 82 has shown that it has lacked the expertise or the willpower to provide these services in the past. It will be an important service provided by TUFACO Union.

**6. Who will help me at income tax time?** TUFACO Union recognizes that correction officers and their families frequently have unique income tax problems. In some instances, disability income is partially non-taxable. Also, workman's compensation awards can also be non-taxable. It is vital for correction officers to have access to top-notch income tax counselling and preparation services. Why spend more money on income taxes than is legally necessary?

TUFACO Union will establish a comprehensive program of confidential income tax counselling and income tax preparation. This service will be provided exclusively for members of our bargaining unit.

**7. Where can I get retirement planning?** TUFACO Union will provide a comprehensive program of tax and retirement planning services. This will be an important departure from the attitude that Council 82 has exhibited in the past. In the past a retiree has been left to wade through the employees benefit selections and bear the tax consequences on his own without professional assistance. TUFACO Union will provide you with information and planning regarding your employee benefits, income tax reduction through careful planning, insurance planning, wills and trusts, inheritances, investments, and retirement planning. This confidential service will help you keep more of your hard earned money now and will help you plan for your future retirement by utilizing legitimate tax planning techniques. It will also help guarantee your family's financial security.

This service will be provided by highly trained tax attorneys and accountants. The new programs instituted by TUFACO Union can go far beyond the items which we have just mentioned.

**8.** TUFACO Union will undertake a comprehensive public relations campaign designed to enhance the status of Correction Officers and security personnel in the community. This will be done not only through the media, but our locals will be active in community programs as well. Such union public relations campaigns have been successful for other professions (most notably school teachers in 1983), it is time your union took an active role in broadcasting your dedicated work and achievements to the community.



You may say to yourself, haven't I seen AFSCME run television commercials designed to show the public that public employees do a good job? While it is true that AFSCME has run such commercials, to the best of our knowledge, New York State Correction Officers have never appeared in any of those commercials. This demonstrates quite clearly where you stand as far as AFSCME is concerned. AFSCME is designed for the average state employee. AFSCME cannot meet the specialized needs of Correction Officers and other members of the Security Services Unit.

TUFCO Union will provide professional outside negotiators at contract time in order to present the most comprehensive negotiating package possible. All too often in the past, Council 82 has been outgunned and outmanned by experts who have provided service to the State. It is time that professional expertise is provided on our side for a change. A professional negotiator cannot only offer strong proposals for the negotiations, but can formulate a specific and constructive plan as to where the State can find the money to fund our contract.

### **Our Professional Staff**

By virtue of their expertise and their experience, our staff will be able to provide the professional guidance that is so important in today's day and age. These people are all hard workers, they are self-made and throughout their careers have shown a dedication to individuals and working people.

Our general counsel: JEFFREY H. BROZYNA. Jeff's legal practice in Albany, New York, is concentrated in tax law, business law, real estate, retirement planning, pensions, and other employee benefits. He is a graduate of Hobart College and Albany Law School. At one time he was a senior attorney with a national tax and financial counseling firm which provided tax and financial planning for individuals, family businesses, and others in over 35 states, and several foreign countries.

In addition to business law and tax law, he has done legal work for various not-for-profit organizations.

Since he has been in private practice, his primary goal has been to help individuals (at all levels) to achieve income tax savings and financial security through adequate tax and retirement planning. In addition he has guided many individuals through very tough IRS tax audits. In 1977 he was a recipient of the National Commercial Bank and Trust Company (now Key Bank) Estate Planning Award.

His community work includes works with the Schalmont High School, Mohonasen High School and Draper High School Adult Education Programs, and he is well known in the Albany, New York area for his seminar work on tax and retirement planning.

Our certified public accountants: ARTHUR PLACE & COMPANY. Art Place maintains an accounting firm of fourteen professionals in Albany, New York. His firm has a blend of highly trained professionals and sophisticated computer hardware and software. This combination provides efficient and modern service.

Currently, Art Place does accounting work for the Electrical Worker's Pension and Welfare Fund as well as the Apprentice Training Fund. In the past he has done accounting work for the Telephone Traffic Union, the Telephone Commercial Union, and the Operating Engineers and Structural Iron Workers. Art's father was a member of the Seamen's Union.



Art Place is a graduate of Bucknell University. He completed a program in labor relations and management accounting. Art was lieutenant in the military police in Germany in 1960. He was assigned to NATO Security. He was also a graduate of the NATO Security CBR Warfare School.

Art Place is a self-made man who understands the personal and accounting needs of working people.

The firm of Axelrod, Cornachio, Famighetti and Capetola, Attorneys & Counselors at Law offers a wide range of legal expertise including criminal law, civil matters, workman's compensation and social security matters.

Michael C. Axelrod, a 1969 graduate from the University of Miami in Coral Gables, Florida, was admitted to the New York State Bar in March of 1974 as well as the Florida Bar in December of 1973. He attended the New England School of Law in Boston, Massachusetts, graduating at the top of his class, having received numerous awards and being an editor on the New England Law Review. His first years in practice were spent as a criminal defense attorney with the Legal Aid Society of Nassau County, before joining the Law Offices of Richard Hartman in the spring of 1976. He served as managing attorney for Richard Hartman through 1980 and 1981 and received his Masters in labor law from New York University in June, 1981. In addition to being admitted to the New York and Florida Bars, he is licensed to practice before the Supreme Court of the United States, U.S. Circuit Court of Appeals, Second Circuit, and The Eastern and Southern Districts of the Federal District Court in New York. Mr. Axelrod engages primarily in labor relations for police unions in Nassau and Suffolk Counties as well as the New York State Police and the Metropolitan Police Conference.

Mike is one of the recognized authorities in collective bargaining between police and law enforcement organizations and State and local governments. Over the years he has an impressive list of accomplishments in this regard, and he is well known for getting the job done for his clients. He has the technical expertise to dissect a budget and determine exactly what the employer can afford in the way of contract concessions.

Anthony W. Cornachio was admitted to practice law in the State of New York and in all Federal Courts after attending law school at St. John's University, after having previously received his Bachelor of Arts Degree from Fordham University and a Masters Degree at Adelphi, as well as a Masters in Labor and Industrial Relations from New York Institute of Technology. His first job was as an Assistant District Attorney for the Nassau County District Attorney's Office. He served as a law secretary to Nassau County Court Judge Richard Delin. In between terms with Judge Delin, he worked in private practice. Before joining the firm, he was Commissioner of Occupational Resources of the Town of Hempstead;

Joseph P. Famighetti, a former police officer and detective with the Long Island State Parkway Police was also Vice President of that union. While a policeman, he attended St. John's University, where he received his Juris Doctor and was admitted to the Bar of the State of New York. He received his Bachelor of Arts Degree from Adelphi University. He also worked as a Nassau County Assistant District Attorney. He was the law secretary to Nassau County Court Judge Edward Baker for six (6) years. In addition to being a member of various civil associations and fraternal orders, he also ran for the State Legislature in the 16th Assembly District in 1980;

Anthony A. Capetola, attended Wagner College where he was a football star and graduated there in 1967. He received his law degree from New York Law School in 1970



and immediately went to work with the Nassau County District Attorney's Office until going into private practice in 1973. Known as an outstanding trial lawyer, he specializes in difficult litigation, and sophisticated criminal and civil law.

Francis X. Casale, Jr., received his Bachelor of Arts Degree in Political Science Cum Laude from the State University of New York at Albany. He attended Hofstra University School of Law and received his Juris Doctor degree in May, 1980. Mr. Casale engages primarily in the area of public sector pension litigation, workmen's compensation, Social Security work and civil litigation.

Robert M. Schaufeld attended Brandeis University in Waltham, Massachusetts, and received his B.A. in History and was an honors candidate in legal studies. He attended Hofstra University School of Law and received his Juris Doctor in May, 1981. From 1979 until joining this firm, he was the chief legal researcher for the Law Offices of Richard Hartman, dealing extensively in New York State Public Employment Relations Board Law and New York State Retirement System cases.

Frank A. Doddato, a graduate of Fordham College in 1970, passed the New York state Bar in 1974 after graduating from Brooklyn Law School in 1973. He served in the Nassau County District Attorney's office from 1974 to 1981, the last several as a trial attorney and Deputy Bureau Chief in the Rackets Bureau of that office. He has been in private practice for the last several years, specializing in complicated criminal and civil litigation.

Judith P. Dugan, a South Carolina native, graduated from the University of South Carolina. She then attended New York State Law School graduating in 1980. After serving with distinction in the Nassau County District Attorney's office for three years, she entered private practice, specializing in criminal and civil litigation.

James S. Paar, recently of the Suffolk County District Attorney's office, Rackets Bureau, is a graduate of New York Law School. He also attended Dartmouth College, graduating in 1976. He specializes in law enforcement matters as well as complicated criminal litigation.

A large staff of clerks, researchers and secretaries service the firm on a night and day basis, seven days a week. In addition to civil and criminal cases, the firm presently represents the Metropolitan Police Conference of New York State, Inc., the Nassau County Patrolmen's Benevolent Association, Yonkers Police Benevolent Association, Suffolk County Police Conference and several Village and City Departments on Long Island, as well as the Port Authority of New York and New Jersey Police Benevolent Association.

We are extremely proud of our professional staff and are happy to have their technical expertise available to us for negotiations and for monitoring the contract during its existence in addition to legal, tax and accounting matters, etc.

Working together as a team, TUFECO will provide the expert services that you the member need today more than ever before.

Professionalism and technical expertise is an integral cornerstone of TUFECO's program.



## The Highlights of the TUFCO Union Constitution

In drafting our union constitution, we felt it our utmost importance to provide for the following:

- (1) A more streamlined and efficient union organization
- (2) A one-man one-vote election of state-wide union officers by the members themselves.
- (3) Tightly regulated and professional financial and budget system.
- (4) Close contact between union officials and their members at the local levels.
- (5) Greater regional input into union activities.

In drafting the constitution, we have kept these guiding principals in mind.

The constitution provides for a strong system of locals. The membership, on a one-man one-vote basis elects the chief steward and assistant stewards to represent them. Not only does the chief steward fulfill his traditional functions on the local levels, he will also represent the local in a legislative body which we call the regional boards. The regional boards deal with the specialized problems of each geographic area in the State as well as structure the proposed budget for locals in that region. In this way, the uniqueness of each region in the State and each local within it can be provided for.

Each geographic region in the State will have a professional business agent. The business agent will assist the locals and will coordinate the activities of the local in each geographic region. The business agent in each region will work closely with a regional executive. The regional executive will be one of the executive board of directors which is the highest executive body in the union. Because of the close cooperation between the chief steward of each local, the regional business agent, and the regional executive, the important concerns of each local in each geographic area can be expressed directly to the union leadership in Albany. In this way, the state wide union leaders can maintain close contact with the members that they serve, and the members will have easy access to their regional and state wide representatives.

The state wide union officers such as President, Secretary-Treasurer and the union Vice-Presidents, are elected **directly** by the membership on a one-man one-vote system. They are **not** elected by an elite group of delegates. The union officers are responsible to the membership and are answerable to the membership for their actions. Union officers are elected every three years.

The union convention will be held every two years. At the convention, each local will send delegates who will discuss union policies, and vote on various resolutions for the benefit of the union at large. It will then be up to the state wide union officers, (who also serve on the executive board) to implement the policies of the union. This includes collecting financial information and proposed budgets from the various regions each year, and preparing the annual union wide and regional budgets for approval by the union board.

The union board is the chief legislative body of the union. It is composed of the chief steward of all the locals in the State. The union board approves a union wide budget, as well as regional budgets. The regional board in each region will then allocate a dollar amount for each local. Each local can then determine how it will spend its own money.



The dues that you pay will remain the same as the dues that you paid Council 82. However, because TUFECO Union is independent, vast sums of money need not be paid out of the members pocket directly to national and international organizations. The actual dollars saved will be directed to fund TUFECO's innovative programs. Programs that will result in tangible benefits for you, the member.

Ask yourself, why is it that just now, since TUFECO's challenge has Council 82 made any attempt at change. No matter how feeble or transparent the change may be. It's obvious, Council 82 specializes in playing follow the leader.

In the near future TUFECO will be scheduling information meetings in your area. TUFECO representatives will be on hand to explain TUFECO's comprehensive programs and answer questions. You owe it to yourself to attend, refreshments to follow.

If you haven't signed a challenge card yet, please, take the opportunity to do so today.

Fraternally yours,

Dennis J. Fitzpatrick, *President*  
Kevin W. Casey, *Vice-President*  
Bruce J. Farrell, *Vice-President*  
James Morrissey, *Secretary-Treasurer*  
Marion Dantzler, *Assistant Secretary-Treasurer*



M O R E O N T.U.F.C.O.

IT IS EASY FOR SOMEONE TO MAKE FALSE AND UNFOUNDED STATEMENTS ABOUT AN ORGANIZATION WHEN THEY KNOW THEY DON'T HAVE TO PROVE OR SUBSTANTIATE THOSE STATEMENTS.

IT IS EASY TO CRITICIZE AND TAKE "POT SHOTS" AT AN ORGANIZATION AND THEN SAY HOW GREAT THE NEW ORGANIZATION IS GOING TO BE.

ONE CAN IGNORE SLANDER AND LIES FOR ONLY SO LONG. HUNDREDS OF DEDICATED UNION LEADERS OF COUNCIL 82 ARE BEING LIED ABOUT.

THE PRESENT LEADERS OR DIRECTORS OF T.U.F.C.O. ALL HAVE, AT ONE TIME, HELD OFFICE AT ONE LEVEL OR ANOTHER WITHIN THE COUNCIL 82 STRUCTURE AND HAD NO OBJECTIONS TO IT. IN FACT, THEY DIDN'T COMPLAIN UNTIL THEY LOST AN ELECTION OR WERE NOT EVEN NOMINATED TO HOLD A POSITION.

THE COUNCIL 82 STRUCTURE AND DEMOCRATIC ELECTION PROCESS THEN BECAME INFERIOR. IT WAS NO GOOD BECAUSE THE PRESENT T.U.F.C.O. LEADERS COULDN'T GET ELECTED THROUGH A DEMOCRATIC PROCESS, COULDN'T GET ELECTED BY THE MAJORITY AND COULDN'T GET ELECTED BY THE HUNDREDS OF UNION LEADERS OF COUNCIL 82 LOCATED THROUGHOUT THE STATE OF NEW YORK.

NOW THE "MALCONTENTS", THEIR OWN DEFINITION, FIGURED THEY COULD HOLD HIGH OFFICE IN ONE WAY AND ORGANIZED THEIR OWN UNION UNDER THE GUISE OF AN ASSOCIATION, SELF-APPOINTING THEMSELVES FOR A TERM OF FIVE (5) YEARS.

COMPARE OVER THREE HUNDRED AND TWENTY SIX (326) ELECTED UNION LEADERS REPRESENTING COUNCIL 82 TO FIVE (5) DIRECTORS, ALL SELF-APPOINTED REPRESENTING T.U.F.C.O.



INFORMATION HAS NOT BEEN PROVIDED AS TO THEIR STRUCTURE BECAUSE THEY DON'T WANT THEIR NEW MEMBERS TO KNOW HOW MANY JOBS AND DIFFERENT POSITIONS HAVE BEEN PROMISED THROUGHOUT THE STATE. ONE MAY BE SUPRISED TO DISCOVER THE LARGE NUMBER OF ORGANIZATIONS, REGIONS, TERRITORIES, SUB-GROUPS, BUSINESS MANAGERS, ASSISTANTS TO THE ASSISTANTS, ETC. THERE WOULD BE. MAYBE THIS WILL TELL YOU SOMETHING ABOUT THE NUMBER OF POSITIONS THE PROMISES HAD TO COVER.

ASK SOME OF THE COUNCIL 82 REPRESENTATIVES THAT WERE TOLD THERE WAS A PLACE FOR THEM IN T.U.F.C.O. AND REFUSED.

IF AND WHEN T.U.F.C.O. RELEASES THEIR STRUCTURE IN WRITING, YOU WILL SEE THE ENORMOUS COST FOR STAFFING. AT THE FACILITY ALONE, THE COST WILL EXCEED \$1.4 MILLION FOR SALARIES OF BUSINESS AGENTS, WITHOUT SIDE BENEFITS. AND REMEMBER, THE AGENTS WILL REPORT TO FOUR REGIONAL OFFICES THAT WILL HAVE TO BE STAFFED. THEY, IN TURN, WILL HAVE TO REPORT TO THE ALBANY HEADQUARTERS, WHERE THE T.U.F.C.O. PEOPLE WILL RESIDE. THE ALBANY HEADQUARTERS WILL ALSO HAVE TO BE STAFFED. SO FIGURE WHAT THE PAYROLL WILL BE. SALARIES, EQUIPMENT, SUPPLIES, ETC. WHERE IS ALL THAT MONEY COMING FROM? YOUR DUES? HOW LONG WILL THEY STAY AT THE RATE THEY ARE NOW? COUNCIL 82 ALREADY HAS OFFICES, STAFF, EQUIPMENT AND SUPPLIES RIGHT UP TO COMPUTERS. ARE YOU GOING TO PAY FOR ALL OF T.U.F.C.O.'s NEW EQUIPMENT? IT WON'T BE UNTIL AFTER THEY BECOME YOUR BARGAINING AGENT THAT THEY WILL HAVE TO EXPLAIN WHY THEY MUST RAISE YOUR DUES SO HIGH.

WILL A BUSINESS AGENT WORK TWENTY-FOUR HOURS A DAY?

WHAT SHIFT WILL HE WORK?



THE NEXT TIME YOU ARE APPROACHED BY A T.U.F.C.O. REPRESENTATIVE,  
HAVE THEM PROVIDE YOU WITH ANSWERS TO THE FOLLOWING QUESTIONS:

1. If T.U.F.C.O. is an association, who are they associated with?
2. How will this union called T.U.F.C.O. be governed?
3. How soon after the challenge can you run for President?
4. How do you get nominated?
5. How are T.U.F.C.O. people appointed?
6. What members (direct or otherwise) have input to this elite selection process of T.U.F.C.O.?
7. When you sign a T.U.F.C.O. card, how do you know your not joining their union?
8. Why are T.U.F.C.O. people SELF-APPOINTED for a term of FIVE (5) years?
9. Why won't T.U.F.C.O. provide its members with copies of their by-laws or constitution?
10. Why does T.U.F.C.O. want to keep the same dues structure?
11. Why does the T.U.F.C.O. information NOT have a union label - union made?
12. Why do T.U.F.C.O. people want to get rid of Local Unions?
13. Why is T.U.F.C.O. run by Sergeants. How can they write counselling memos and then represent you?
14. How will each member of T.U.F.C.O. have a vote?
15. How will the Director and Associate Director be selected?
16. How much does it cost for a professional negotiator?
17. How much will it cost for these regional offices and staff. Where is the money coming from? Your dues?
18. Where is the money coming from for offices, staff, professional negotiator, insurance, benefits, servicing contract? Your dues? All the things that Council 82 already has!
19. How does T.U.F.C.O. plan to get better benefits for you in the state contract?
20. What issues can they improve on and how?
21. Why did one of the T.U.F.C.O. leaders write up a Transportation Sergeant which later led to the Sergeant being charged and disciplined?



22. Why did one of the T.U.F.C.O. leaders, when he was on the negotiating team, leave negotiations in 1979?
23. Why did one of the T.U.F.C.O. leaders go to Vermont at the start of the 1979 strike?
24. Why did another T.U.F.C.O. leader go to Las Vegas at the start of the 1979 strike and NEVER get fined.
25. WHY DID TWO OF THE T.U.F.C.O. LEADERS NEGOTIATE FOR MANAGEMENT AGAINST OUR UNION BROTHERS IN COUNCIL 66? They formed their own negotiating service while holding office in Council 82 representing management, which later led to Council 66 protesting this action through Council 82 and A.F.S.C.M.E. International.

Why did these same two T.U.F.C.O. leaders go around the state asking villages and counties for jobs as negotiators, using Assist. Deputy Commissioner William Coleman (former), Director for the Governor's Office of Employee Relations Sandy Frucher (former) and the Mayor of Catskill, Joe Izzo as references on their resumes. These references are STATE, not UNION. Why did they use their UNION BACKGROUND as KNOWLEDGE FOR MANAGEMENT in negotiations?

26. Why is there a \$500,000 lawsuit against one of the T.U.F.C.O. leaders for failure to represent a Correction Officer at Auburn when this T.U.F.C.O. leader was a Council 82 Representative?
27. Why did one of the T.U.F.C.O. leaders leave our 1982-85 negotiating committee to become a Sergeant? Priorities! Is this a Union Leader?
28. Why, after the conduct mentioned in number 25, did this same T.U.F.C.O. leader, who at the time was Correction Policy Chairman, refuse to step down after several locals including Clinton Correctional Facility asked for his resignation?
29. Why did one of the T.U.F.C.O. leaders when he was a staff representative for Council 82 settle a discipline - Loss of Peace Officer status for two (2) years?
30. Why did two of the T.U.F.C.O. leaders refuse to return \$150 each to the Sergeants local after the Council 82 convention when the Vice-President and Treasurer of the Sergeants local complied with the vote of the Executive Board?
31. If the United Federation of Correction Officers and The Union of Federated Correction Officers are two separate organizations, one selling insurance and the other challenging as a union, why is the first organization paying the expenses of the second?
32. Why didn't the T.U.F.C.O. leaders assist in lobbying days to save Long Island? They are fellow Correction Officers aren't they?
33. What is T.U.F.C.O.'s legislative program? How would this be done?
34. Why did two T.U.F.C.O. leaders after taking the responsibility as representatives of Quality of Working Life, quit?



35. Why is T.U.F.C.O. literature contradictory? Under additional benefits to be provided by T.U.F.C.O., section 5 states they will provide a state-wide PRE-PAID legal program. In the next two sentences they say this program will provide GROUP RATES and REASONABLE RATES. What does PRE-PAID mean, by you?
36. In the T.U.F.C.O. literature, what do they mean by a "specialized union", providing "specialized needs" for a "specialized group"? Sounds good, but what does it mean? Maybe the NON-UNION printer left something out?
37. T.U.F.C.O. makes an allegation that Council 82 is controlled by a distant bureaucracy. (Headquarters in Albany - with local unions all over the state), yet T.U.F.C.O. will have their headquarters in Albany, (distant bureaucracy?), but will have NO local unions around the state. Isn't that contradictory also?
38. T.U.F.C.O. claims they can provide tax attorneys, C.P.A.'s pension consultants, a comprehensive program of insurance and other benefits. Isn't the key word here, PROVIDE? That means to make available, but it doesn't mean FREE. Someone has to pay for the services, does that mean you? So what are they really doing for you, giving you directions to an office where these services are available?
39. Why were discrepancies found during the auditing of Local Financial books while T.U.F.C.O. advocates were in office as local leaders?

IF YOU GET HONEST ANSWERS FROM THE T.U.F.C.O. REPRESENTATIVES TO THESE QUESTIONS, YOU WILL SEE WHY THE PRESENT T.U.F.C.O. LEADERS WERE UNABLE TO OBTAIN FURTHER POSITIONS IN COUNCIL 82 THROUGH NOMINATIONS OR ELECTIONS, EITHER AT THE CONVENTION OR OTHERWISE. HOW CAN THESE PEOPLE EVEN SPEAK OF LOYALTY?



RECEIVED  
APR 30 1984

STATE OF NEW YORK  
PUBLIC EMPLOYMENT RELATIONS BOARD

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In the Matter of :

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

Respondents, :

- and - :

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

Charging Party. :

----- x

AFSCME AFL-CIO

ANSWER

Case No. U-7375

The Union of Federated Correction Officers (hereinafter referred to as "TUFCO"), Respondent, as and for its answer to the charge and amended charge herein, upon information and belief:

1. Admits the allegations contained in paragraphs a, b, c and e of the charge.
2. Denies the allegations contained in paragraphs f and l of the charge, as well as any allegations not otherwise specifically dealt with herein.
3. Denies knowledge or information sufficient to form a belief as to the truth or falsity of the vague or open-ended allegations contained in paragraphs h, j and k

4-30-84  
 cc: Frank B.  
 Dick  
 Holly  
 Puma  
 (Kd)



of the charge

4. With respect to the allegations of paragraph c of the charge, alleges that The Union of Federated Correction Officers is an unincorporated association, and admits that it is an employee organization within the meaning of the Taylor Law, but alleges that the United Federation of Correction Officers, Inc., is merely a not-for-profit corporation organized by TUFCO's leaders for the purpose of providing the corporation's membership with a variety of recreational and tax-sheltered benefits.

5. denies that the State of New York has failed to enforce its "rules" governing access to employees for organizing purposes, and refers the charging party to TUFCO's own charges in PERB Case Nos. U-7385 and U-7406.

6. With respect to the allegations of paragraph i of the charge, admits that officers Farrell, VanHouten, Stephens and McKinney, solicited authorization cards, as is detailed in TUFCO's aforementioned charges, but denies that said solicitation was in any way unlawful, and denies that such card solicitation constitutes an improper practice.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE  
RESPONDENT TUFCO ALLEGES AS FOLLOWS:

7. The charging party's "unchallenged representation status" is not adversely affected by TUFCO's alleged collection



of authorization cards within the six-month time period allowed therefor by PERB Rule 201.4(b).

AS AND FOR A SECOND AFFIRMATIVE DEFENSE  
RESPONDENT TUFCO ALLEGES AS FOLLOWS:

8. PERB does not have jurisdiction to enforce Office of Employee Relations "guidelines."

AS AND FOR A THIRD AFFIRMATIVE DEFENSE,  
RESPONDENT TUFCO ALLEGES AS FOLLOWS:

9. After receiving the charge herein, TUFCO duly moved, pursuant to PERB Rule 204.3(b), for an order directing the charging party to file a verified statement specifying certain particulars of the vague and open-ended charges herein.

10. On April 11, 1984, a PERB Administrative Law Judge ("ALJ") granted the motion, in part, and ordered the charging party to file and serve a verified statement satisfying parts 1, 2 and 3 of TUFCO's demand for particulars. The ALJ ordered the charging party to do so on or before April 20, 1984.

11. On or about April 20, 1984, the charging party served and filed a paper styled a "Particularization of Charge" in which the said charging party purports to reserve its "rights" to "supplement its particularization" without regard to the Administrative Law Judge's April 20 deadline.







STATE OF NEW YORK  
COUNTY OF ALBANY      SS:

AFFIDAVIT OF  
SERVICE BY MAIL

*Nancy K. Stockwell* , being duly sworn, deposes and says that he is over the age of 18 years; that he served the within Answer in PERB Case No. U-7375 upon the following at the following time(s) and place(s) in the following manner *April 27* , 1984

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

State of New York  
Department of Correctional  
Services  
State Office Bldg. #2  
Albany, New York 12226

State of New York  
Office of Employee Relations  
Agency Bldg. #2, E.S.P.  
Albany, New York 12223

Brian J. O'Donnell, Esq.  
Rowley, Forrest & O'Donnell, P.C.  
90 State Street  
Albany, New York 12207

by depositing a true and correct copy of the same properly enclosed in a post-paid wrapper in the Official Depository maintained and exclusively controlled by the United States at 118 Bradford Street, Albany, New York, directed to said parties respectively, at said address(es), respectively mentioned above, that being the address(es) within the state designated for that purpose upon the last papers served in this action or the place where the above then resided or kept offices, according to the best information which can be conveniently obtained.

*X Nancy K. Stockwell*

Sworn to before me this  
*27<sup>th</sup>* day of *April* , 1984.

*Jeffery H. Brozyna*  
Notary Public

JEFFERY H. BROZYNA  
Notary Public, State of New York  
Qualified in Schenectady County  
Commission Expires March 30, 19*86*