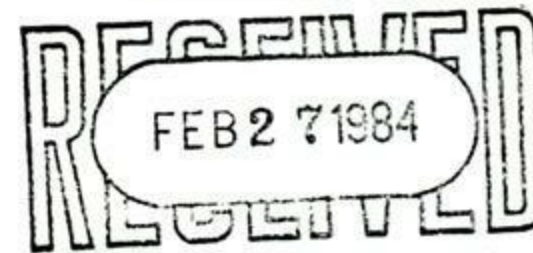


The Union of Federated Correction Officers Association

COUNCIL 82

WHO ARE WE AND WHAT ARE WE DOING



AFSCME AFL-CIO

TUFCO Union, (The Union of Federated Correction Officers) is an independent association formed for the purpose of unseating Council 82 as the bargaining agent for the New York State Securities Services Bargaining Unit including State Correction Officers.

The reason we have formed a new union to challenge Council 82 is because Council 82 cannot be challenged from within. It is ruled by an elite, and controlled by a relatively small group of people. The average member does not have a direct vote as to who runs Council 82. This decision is made by a select few. The challenge is being made through TUFCO Union, an independent union, because that is the only way that a member can effectuate meaningful change.

And let us speak for a moment about union solidarity and loyalty. Ask yourself this question "should you be loyal to a union that has been disloyal to you?" Lets not put the cart before the horse. A union is established for the benefit of its members. Members do not exist for the benefit of the union. If a union cannot serve its members, then it has been disloyal to them. Council 82 has broken its covenant with its membership. And now those who would seek meaningful change are characterized as "a misguided clique of malcontents".

By supporting TUFCO Union, you are not being disloyal to Council 82. You are being loyal to yourself.

This challenge is being made for the following reasons:

1. Council 82 has lost touch with its members.
2. Council 82 dues, are excessive, \$224.00 a year, what do you really get for your money?
3. Council 82 is controlled by a chosen few, thus excluding the rank and file from meaningful input into the workings of the Union.

2/27/84

cc file

Original to D Bischoff

4. Council 82 has proven itself to be a passive Union which has not delivered the specialized representation that is required for the specialized needs of the correction officers and Securities Personnel.
5. The representation provided by Council 82 on the local level has been inconsistent and passive.
6. Council 82 has failed to deliver the best possible package of benefits for its members.
7. Council 82 has failed to provide adequate wages and benefits for those correction officers with less service.

WHY DO WE KNOW WE CAN DO A BETTER JOB?

Just consider the following facts:

1. TUFCO Union is led by a dedicated group of correction officers with many years of union service.
2. TUFCO Union can serve you better within its dues structure because it is an independent union which does not have to send vast sums of money to a national or international union.
3. TUFCO Union has established a streamlined legal structure which will improve the quality of service on the local level, and will guarantee a democratic one man - one vote system of union government. The system will be an open system controlled by the members themselves, not a chosen elite.
4. TUFCO Union is structured as a specialized union, a union which can provide for the specialized needs of a specialized group such as security and correction personnel. It is not controlled by a distant bureaucracy which must consider the interest of many other unions all over the country.

5. TUFCO Union provides (in its union charter) a comprehensive system of local representation to be staffed by professional business agents. In addition, TUFCO's union format is such that there will be frequent access and communication between the locals and Union Headquarters in Albany.
6. TUFCO Union can provide, thanks to its professional staff of tax attorneys, certified public accountants, and pension consultants, a comprehensive program of insurance coverage and other benefits at great savings to the membership.
7. TUFCO Union's will be sensitive to the needs of all of its members, regardless of length of service or rank.

In this publication, and in other publications to follow, we will explore these facts in detail. Council 82 obviously is uncomfortable as this challenge period approaches. You can tell by the savage nature in which our organization, and those dedicated people who serve it were attacked in the November issue of Council 82's newspaper, The Review. This will not stop us from making our position known, and setting the record straight. We are up to the challenge.

ADDITIONAL BENEFITS TO BE PROVIDED BY TUFCO 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 an employer.

TUFCO Union has developed a detailed program of benefits which will be provided in addition to those benefits provided by the State contract. Specifically, we will establish the following programs independent of the contract once we have unseated Council 82:

1. 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 can 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 are not to be taken lightly.

2. 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 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 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.

3. TUFCO Union will establish a statewide "disaster fund" in order to assist correction officers and their families who are in need. It is high time that your Union stand behind its members 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 families will never stand alone in your hour of need.

4. TUFCO Union will establish a system of Educational Scholarships so as to assist your children in gaining a college education. Several annual scholarships will be made available on both a need basis and achievement basis all over the state. A committee will be formed in order to evaluate applicants and to supervise the scholarship procedure.

5. TUFCO Union will provide its members with a statewide prepaid legal program. This program will provide group rates for legal representation 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.

6. TUFCO Union will provide a comprehensive program of tax and retirement planning services. This service will provide you with information regarding your employee benefits, income tax reduction through careful planning, insurance, 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 to guarantee your family's financial security.

7. TUFCO Union will provide lower rates for life insurance and disability insurance. This will be accomplished by constantly monitoring the ever changing insurance market, and by providing the best coverage possible at any given point in time.

8. 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.

9. Our Computer System

The grievance system with Council 82 is a complete disaster. The same grievances at two different facilities are given opposite answers, and the same grievance at still another facility is given still another answer.

Labor Management agreements that are agreed to at one facility are refused at another.

Examples such as these are widespread throughout the State. Under our system everything will be computerized. This will allow for uniform application of the contract and all agreements.

Our system will also allow us a vast bank of information to be used during negotiations.

Computerizing will allow your local union representative all and any pertinent information needed in grievances, discipline, and local labor management meetings.

10. 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 the AFL-CIO or any other national organization. Almost \$500,000.00 of your dollars are spent in this fashion every year. This \$500,000.00 can be utilized for the programs which we propose, and there will be money to spare.

During the next several months, representatives from the Union Of Federated Correction Officers, will be visiting your facility holding informational meetings, and asking you to sign petition cards.

We urge you to talk with our representatives and attend our informational meetings to satisfy any of the questions you may have.

You can also write:

The Union of Federated Correction Officers
Box 310
Hudson Falls, NY 12839

The petition cards will be used to secure an election to determine who will be your bargaining agent.

All the Union Of Federated Correction Officers representatives will have petition cards, just ask them for one!

File
TUFCO

TUFCO MEETING

Howard Johnson, Syracuse, N.Y.

FEBRUARY 20, 1984

PM-10:45PM

INFORMATIONAL MEETING:

An informational flier was passed out and then an open discussion took place.

1. Council 82 has kicked back \$5.5 million to AFSCME over 15 years and the return has been zero.
2. Presently TUFCO would gain \$500,000 a year not being a member of AFSCME. Money to invest and grow into Union benefits for the members.
3. Major discipline is a Notice of Discipline requesting dismissal. Then an attorney will be available.
4. Contract stays in tact and in force 100%. Then after April 1st, the Triborough Bridge doctrine keeps the contract in force until a new agreement is reached.
5. TUFCO has 30% of the required number of signatures for a challenge. But we want 70% to guarantee a vote because Council 82 will try anything to stop us. The signature card must be signed and collected immediately. No one is allowed to keep a card. Council 82 must not know who signed a card. The cards have a printer's mark so Council 82 can not make counterfeits and if they do we can sue.
6. By October 1st the challenge will be over and then if Council

82 wins then we go back into the brotherhood and wait until next time.

7. Dues will remain the same, the By-laws allow dues increases based on contract % increases.

8. Can I get a copy of the By-laws and constitution? No. You're not a member. Second, Constitution and By-laws are 89 pages long and printing costs are too much at this time for the Union to pay out. Do you have a copy of Council 82's By-laws and Constitution? Yes. You're lucky. We have to be very careful to show what is concrete and what our goals are.

9. Organization breakdown:

1. Divide the state into 4 regions.
2. Open regional offices.
3. Regional Executive Boards that will meet once a month.

Each region will have a budget. Per capita payments will be made to the regional office. Regional offices will make payments to locals to operate and will make investments. All trips to Albany will be paid by the regional office on a voucher system. Someone from Albany will be at regional meetings to inform and hear complaints. A monthly paper will let the members know who was there and what information was presented, making everyone accountable.

4. Chief Steward will be elected on a facility wide basis. He will be the Union's business agent. The Union will pay the state his salary so he will be excused to do Union work 8 hours a day.

5. Regional offices will have staff, and members can go directly to regional office for information on benefits, grievances, etc.

6. A computer system will tie all grievances and labor/ managements together statewide. The system will show presidents and chief stewards how to write grievances up.

10. One-man, one-vote puts the members in control. Members will also have a say when it comes to issues dealing with the Director and Associate Director. Like in the case with Burke taking over Council 82 and installing Chase after he was dismissed. What say did the members have?

11. If you have any questions, write us. You have our address.

Meeting conducted by Fitzpatrick, Morrissey and Farrell were present. Total number of people present was 11. Facilities present were Pharsalia, Georgetown, Auburn, and Watertown.



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

NFCO

March 8, 1984

Ms. Georgie T. Rucker
Elmira Postmaster
Industrial Park Boulevard
Elmira, New York 14901

Dear Ms. Rucker:

I recently spoke on the phone with your post office concerning the Bulk Rate Permit No. 13, registered in Elmira, New York and it came to my attention that this permit was registered to the American Agriculturist Foundation.

However, recently, this permit was used for a mailing by:

"TUFCO Inc.
N. Country Ins. Agency
9 Pearl Street
Glens Falls, N.Y. 12801"

Nowhere, on the envelope or in the five page letter mailed by TUFCO Inc., was the American Agriculturist Foundation mentioned. Under these circumstances, TUFCO Inc.'s use of the bulk mail permit in order to obtain a preferential mailing rate was highly improper and a clear violation of postal law and regulations. Accordingly, I am filing this complaint.

I have enclosed both a copy of the envelope and the literature which was mailed by TUFCO Inc. On behalf of Council 82, AFSCME, I request that you institute an investigation concerning TUFCO Inc.'s use of this bulk mail permit, and take appropriate legal action.

I look forward to discussing this issue with you further, and I would be glad to provide you with further background information.

Very truly yours,

Christopher H. Gardner
Christopher H. Gardner
Associate Counsel

CHG/dmf

cc: John W. Burke
Richard Bischert
Joseph Puma

UFCO, INC.
Country Ins. Agency
Pearl Street
Falls, N.Y. 12801
792-3535

BULK RATE
U.S. POSTAGE
PAID
ELMIRA, N.Y.
Permit No. 13

Jack Burke

[607] 734-7251
5188

- American Agriculture
(Ithaca College)



The United Federation of Correction Officers, Inc.

BOARD OF DIRECTORS

DENNIS J. FITZPATRICK
JAMES P. MORRISEY
KEVIN W. CASEY
BRUCE J. FARRELL
MARION L. DANTZLER



P. O. BOX 72
HUDSON FALLS, NEW YORK
12839
(518) 792-3535

TUFCO: "WORKING FOR YOU - - ITS MEMBER"

Disability and loss of time from the job is usually unforeseen. Still the costs for living go on and these costs go up each year.

A strong DISABILITY INCOME PLAN, to meet these living expenses, is essential.

We have endorsed a DISABILITY product that covers both ACCIDENT AND SICKNESS LOST TIME TO AGE 65. NOT for one year; NOT with a decreasing percentage of benefit BUT 100% OF WHAT YOU SELECT PAYABLE TO AGE 65 IF YOUR DISABILITY CONTINUES TO THAT TIME.

NOW THAT'S THE KIND OF PROTECTION YOU NEED AND DESERVE.

For more information call our HOT LINE collect (518)792-3535 right now.

PROTECT YOUR FUTURE. Call today or drop us a note and ask for all the facts. There's no obligation.

TUFCO: "WORKING FOR YOU - - ITS MEMBER".

Fraternally Yours,


Dennis Fitzpatrick
President-TUFCO

P.S. We also endorsed a \$1,000,000 medical program with a \$25,000 deductible to go with your GHI program for maximum protection and savings for you.



Setting The Record Straight: As you all know, TUF CO, Inc. has come under attack in the "Review". Council 82's official publication. Everyone recognizes that there are political reasons for this attack. However, we would like to respond so as to set the record straight. The United Federation of Correction Officers, Inc. (TUF CO, Inc.) was incorporated under New York State Law as a Not-For-Profit Fraternal Benefit Corporation. The purposes of the organization, as stated in the by-laws, is to provide for the mutual fraternal, social, cultural, and moral advancement of any correction officer who wishes to join. We have also worked to provide life insurance and disability benefits for our members at a cost which was substantially lower than that offered by Council 82. Our efforts have been warmly received by the rank and file, and we currently can boast of over 150 new members, joining our ranks (Monthly) . Council 82 has attempted to blur the separate existence of TUF CO, Inc. in an effort to create confusion among correction officers, This is because of the pending union representation challenge being mounted by the Union of Federated Correction Officers Association. Dennis Fitzpatrick, James Morrissey, Kevin Casey, Bruce Farrell and Marion Dantzler have established a new union in order to mount the representation fight against Council 82. They have done this at the request of correction officers all over the state who believe strongly that Council 82 has lost touch with it's members and that a new independent union can provide better representation at substantially less cost to the Correction Officer. TUF CO, Inc. has been and always will be a fraternal, nonpolitical organization. It has separate books, accounts, legal identity and accounting records. Your TUF CO, Inc. dues will not be utilized by any other organization. TUF CO, Inc. is not empowered to become a union, nor will it ever become one. TUF CO, Inc. will continue to provide service to it's members regardless of the outcome of any union representation challenge conducted by any organization. Council 82 has made a host of personal attacks against the TUF CO, Inc. directors. In the November issue of the "Review" they implied that the founders of TUF CO, Inc. have personal gain as their motive. This is totally untrue as anyone who has worked with us can attest. Council 82 has attacked our VEBA Trust Fund (Voluntary Employee Benefit Association) on the basis that one can do better in any IRA or retirement plan. They are not comparing apples to apples. A VEBA can provide life insurance and other benefits, and the earnings in the trust are tax deferred. Section 501c (9) of the Internal Revenue Code allows such a trust fund so that everyday people like you and me can pool our purchasing power and obtain group rates on a wide range of benefits that we don't have to wait until retirement to enjoy. A VEBA is not even designated to provide retirement benefits as a review of the Tax Law reveals. Council 82 has also attacked the vacation package we have given to our members, " That vacation package was the subject of litigation by the New York State Attorney General". It seems that someone at Council 82 goofed. The pending lawsuit is against a totally unrelated organization! Mr. Joseph DeFalco, President of V.I.P. Vacations of New York has demanded a retraction from Council 82, or he will institute a legal action for liable! On another topic, any TUF CO, Inc. member can arrange to see a copy of our by-laws with Dennis Fitzpatrick or James Morrissey. We are proud of our organization. We have nothing to hide. We also wish to point out that our accountants, Arthur Place & Co., CPA, and our tax Attorney, Jeffrey H. Brozyna, have seen to it that all necessary reports and filings have or are being made with the appropriate agencies and taxing authorities. In the months ahead, TUF CO, Inc. will no doubt be unfairly attacked by Council 82. Despite the non-political nature of TUF CO, Inc., we will respond in writing to any distortions or attacks and we will continue to set the record straight.

MARCH OF DIMES WALKATHON A BIG SUCCESS: In April of this year the Board of Directors were asked to help in the March of Dimes Walkathon. Our members responded with enthusiasm and generosity, pledging money and working on check points during the walk. TUFCO, Inc. publicly challenged any team of runners to a contest on what team could raise the most money based on pledges for their runners. TUFCO, Inc. supplied the Trophy to the winners. Our team fell short of winning the Trophy but the challenge proved to be profitable for the March of Dimes. TUFCO, Inc. runners ran the entire 15 miles. They were: John LaValley, Neal Sokol, Harold Austin, Jeffrey Corbin and Jerry Buell. The March of Dimes raised over \$70,000.00 in the Capital District and we are pleased we had a part in making the fund raiser for the March of Dimes a success. Doug Williams, Wayne LaFrance, Don Hall, William Gosline, Richard Rodriguez, Larry Ginter, Robert Lennox deserve a big thanks.

OFFICE ESTABLISHED: TUFCO, Inc. has established an office at 9 Pearl St. Glens Falls, N.Y. 12801. Our members can now call collect 518-792-3535 for inquires for any or all insurance needs. Homeowners, Car Ins., Disability Ins., Hospital Indemnity, Veba Trust, etc.. Hours of operation are 9:00 a.m. to 5:00 p.m., Monday thru Friday.

MEMBERSHIPS DUES DUE IN JANUARY: All members who joined TUFCO, Inc. before Oct. 1, 1983, will be required to pay their membership dues in January 1984. We will be sending you notice along with your new membership card. Your dues are only \$10.00 annually and we are working on a very tight budget, your cooperation in this matter will be appreciated.

TRIBUTE TO ANTON "BUTCH" GEERTS: One of our Brother members was recently killed in a tragic car accident. Butch was a family man, a 16 year Veteran in the U.S.N.R. SeaBees and an excellent Correction Officer. Our Hearts and Prayers are out to his family in this time of sadness. God Bless You.

NEWS WANTED: Items of interest, notable events, individual accomplishments, want to sell something, services offered.- Mail them to TUFCO, Inc. P.O. Box 72, Hudson Falls, N.Y. 12839. We will publish in our next issue.

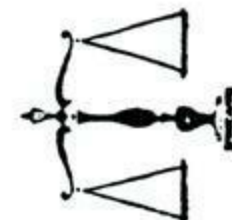
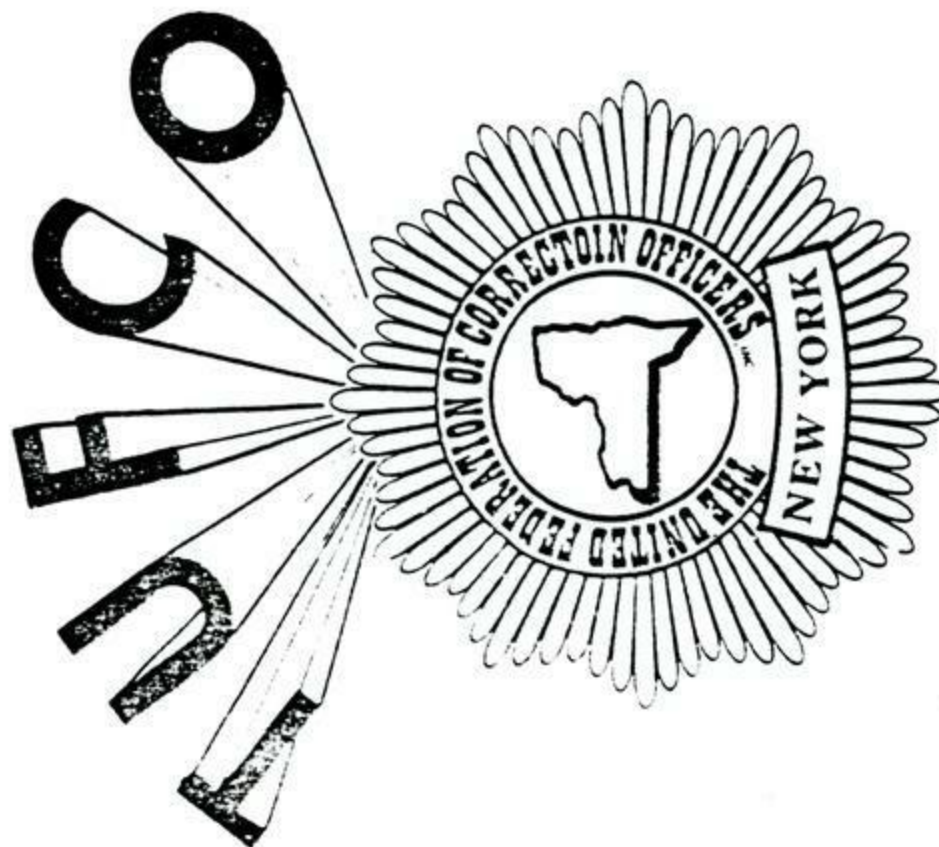
VACATION PACKAGES ARE A BIG HIT: Many of our members utilized the V.I.P. Vacation packages we sent out, just for being a member of TUFCO, Inc.. We have received many compliments on the accommodations and treatment they received during their stay at the resort of their choice. We intend to expand this program next year for our members. The cost of providing this benefit is expensive but it is well worth the cost. When our members can take a mini-vacation where accommodations are paid in full and in some cases meals are provided free. We all need to get away from the daily routine and what better way to go, on someone else.

SOLID GOLD VOLUME II CONCERT HELD: TUFCO, Inc. entered into the world of Show Business when we sponsored an evening of Solid Gold Volume II at the Colonie Coliseum, Oct. 1st, 1983. Groups from the fifties and sixties entertained to the delight of 1700 in the audience. The groups who performed were; Street Corner Society, an Acappella group, Willie Winfield and the Harptones, who got the crowd reminiscing when they sang one of their hits: (Gee Whiz). The Mystics stole the show. They were scheduled to be on stage for only 30 minutes, but the crowd went wild and would not let them leave. They ended up performing for over an hour. Larry Chance and The Earls got the crowd going again when he went into the audience looking for singers, The song was appropriate: " Charlie Brown " (why is everybody always picking on me). We were surprised on how many talented Correction Officers there are. Herbie Cox and The Cleftones finished up a most successful show. A good time was had by all. Our hats are off to Robert Doll a Correction Officer at Mt. McGregor, who promoted the show. He did an excellent job. We are planning to sponsor another show in May or June, possibly featuring Eobby Rydell, Leslie Gore and The Shirrels. We will keep you posted.

LOCAL LODGES BEING FORMED: Local Lodges have been formed at Great Meadow, Mt. McGregor and Auburn. Elections have been held and Lodge Officers have been seated. Local Lodges will be established at Downstate, Green Haven, Mid-Orange, Adirondack, Long Island, Bedford Hills, Taconic, Hudson and Fishkill in the very near future. Lodge # 1 consisting of Great Meadow and Mt. McGregor's number one priority is to build a Lodge centrally located between the two facilities. They are putting together a package necessary to be presented to a Financial backer. The building proposed is a steel building 80 X 100 with a full cellar. The contents will consist of a lounge, banquet hall, complete nautilus, sauna, racket ball court, etc.. When completed it will be used exclusively by it's members and their families. Lodge #1 had a Christmas Dance at the Ramada Inn, Lake George, N.Y. featuring Bobby Dick and The Sundowners. Free Beer and a hot Hors D'oeuvres buffet. The proceeds went directly to Lodge #1 to be used as a down payment for the property needed for their future building. Local Lodge # 2 - Auburn, recently held their first lodge meeting and there were over 100 members in attendance. President Minehold gave a brief summary of what was being proposed at Lodge #1, The membership voted to follow suit.

NEW BENEFIT ESTABLISHED: TUFACO, Inc. has been working very hard to secure meaningful benefits for it's members. The cost of retaining an Attorney can be devastating. With that in mind, we sought out understandings with many Law Firms throughout the State. We are pleased to announce that we can now direct you to Law Firms who will offer concessions on legal Fees, on specified common legal problems. This would include consultations, House Closing, Civil Sutes, Motor Veichle infractions, Wills, etc.. We will be sending you a complete list of the Firms along with their address and phone numbers. All you are required to do is show your TUFACO, Inc. membership card to be eligible for the concessions being offered. Please retain the listings when sent, it could be quite valuable to you.

DISABILITY INSURANCE WELL RECEIVED: It took TUFACO, Inc. about 6 months to find an Insurance Company that would write the in depth Disability Insurance coverage we wanted for our members. Fortunately we were able to find a company who could offer the comprehensive coverage needed particular in our line of work. Our members can now receive 1st day coverage for an accident both on and off the job. This benefit is payable to age 65, it does not have a one year limitation. Sickness coverage requires a 14 day waiting period but it also is payable to age 65. The cost is competitive to other programs being offered, but in our opinion there is no comparison to the coverage.



VEBA TRUST REACHES 6 MILLION: The death benefit of the Veba Trust has reached the 6 million plateau. Many of our members have enrolled in the Veba Trust and enrollment continues to grow at a rapid rate. We anticipate the death benefit to reach 10 million in our first year. Many members who are drawing near to retirement have looked into the advantages of the Veba Trust and have saved a considerable amount of money. Money becomes precious when you are on a fixed income and the more you can free up to use now the better off you are in the future. Our younger members have certainly taken advantage of the Veba Trust. If you haven't looked into it, take the time to do so. Call collect for an appointment: 518-792-3535.

QUOTA PHONE SAVES MONEY: TUF'CO, Inc. is an independent agent of Sentinel Motor Club. One of the advantages of belonging to Sentinel is Quota Phone, a buying service that definitely saves you money. Many members have used Quota Phone and have saved many dollars on various merchandise. What they have saved in buying through Quota Phone, more than paid for their membership in Sentinel. Membership in Sentinel is \$45.00 a year. You really can't go wrong.

WHAT'S IN A NAME?: WIN A \$100.00 SAVINGS BOND: You tell us, our paper must have a name. We are offering a \$100.00 Savings Bond to the member who's name submitted is selected. Send your suggestion to TUF'CO, Inc., P.O. Box 72 Hudson Falls, N.Y. 12839. (Members only are eligible). Directors and their families are not eligible.

SPONSOR A BROTHER OFFICER: Have him fill in the application below today to become a member of TUF'CO, Inc.. Mail it to TUF'CO, Inc. P.O. Box 72, Hudson Falls, N.Y. 12839.

THIS IS NOT A CONTEST! EVERYONE IS A WINNER!

JUST JOIN T.U.F.C.O. INC.
for the Unbelievable price of \$10.00
AND RECEIVE A FABULOUS VACATION PACKAGE!

THE UNITED FEDERATION



OF CORRECTION OFFICERS INC.

MEMBERSHIP APPLICATION

I HEREBY APPLY FOR MEMBERSHIP IN THE UNITED FEDERATION OF CORRECTION OFFICERS INC., AND AGREE TO CONFORM TO THE BYLAWS OR ANY AMENDMENTS THEREOF IN THE UNITED FEDERATION OF CORRECTION OFFICERS INC. I AGREE TO PAY AN ANNUAL MEMBERSHIP FEE OF \$10.00.

Last Name _____ First Name _____ M. I. _____

Street Address _____ City _____ State _____ Zip _____

Place of Employment _____ Home Phone _____

Signature _____ Date _____

_____ Yes I Would Like To Hear More About The Veba Trust. Age _____
_____ Please Send Me More Details On The Motor Club.

IMPROVEMENTS BY COUNCIL 82

A brief look at the positive improvements by Council 82 in the past year:

- Health insurance for our members was finalized with small cost increases for our members.
- Optical plan a first to all our members.
- Training seminars for Union leaders were conducted state-wide.
- O.S.H.A. upheld Council 82 position on outdated tear gas in many correction facilities.
- Council 82 was the first Union to protest the actions of the State concerning A.I.D.S. inmates.
- Council 82 filed O.S.H.A. complaints on A.I.D.S.
- Strike fines returned to 278 of our members.
- More field staff hired to lessen the work load and expand Council services (total of eight).
- Legislation assistant hired on a full time basis.
- Public relations specialist hired on a full time basis whose duties also include the full responsibility for the Council 82 Review.
- Legal assistants hired to assist our three full time attorneys.
- As a result of Council 82 actions on "overcrowding", the State continues to expand and has increased the funding by the legislature.
- On the legislative side, the Council did support Cuomo for Governor. The fruits of this was shown when we needed a message of necessity by the Governor, otherwise correction officers would have been left out completely by the legislature for Tier III retirement improvements.
- Legislation by the Council on Long Island Correctional Facility was not passed, but with lobbying efforts and continued pressure, the

deadline has been extended to October 1, 1984. (Court action possible.)

- Council 82 will be expanding the Legislative Action Committee's concept state-wide to all locals.
- Council 82, through negotiations with The Governor's Office of Employee Relations, reduced the impact of lay-offs within our units.
- Council 82's negotiations with The Governor's Office of Employee Relations also upgraded the starting salary and six month salary for trainees in the Department of Correctional Services from \$12,580 to \$14,200, 6 months \$15,000.
- Many more improvements are forthcoming in the future. The Council has expanded their office space, will be putting in a computer operation April of 1984, starting a retiree chapter for former employees, and several other concepts are being discussed for further improvements to our members (i.e., Scholarship Fund, Death Benefit Insurance, Awards Program, Phone Bank System for Legislative Committees).
- Deferred pay arbitration continues and will probably be finalized this summer.
- A consulting firm, Arthur Young Associates, was selected for our reclassification study.
- Legal action continues on the Military Leave issue.
- The E.A.P. Program and Q.W.L. continue to grow and improve.
- Establishment of a Camps Training Advisory Committee.
- Establishment of Labor/Management Committees for the Department of Correctional Services Training Academy.
- Establishment of E.A.P. Advisor for new hires of the Department of Correction Services.

- Another request for 1984 to upgrade correction officer trainees to GR 14 hiring rate.
- New N.O.D. Procedure for disciplines.
- Professor Peter Wickham's survey of correction officers' attitudes.
- Training tape on A.I.D.S. with a doctor from Atlanta Disease Control Center.
- Worker's compensation day 1 coverage.
- Seniority and job bidding provisions intact.
- Five personal leave days for new hires.
- Thirteen sick leave days for new hires.
- Time and attendance cases are still processed under Article 8 of the Contract.
- New York State/Council 82 Quality of Work Life has funded the following improvements to the members of Council 82:
 1. Employee Activity Centers
 2. Weight lifting equipment
 3. Officers mess equipment and furnishings
 4. Air conditioning and ventilation
 5. Officer locker rooms
 6. Showers for officers
 7. Athletic equipment (teams and individuals)
 8. Health and stress programs
 9. Police Olympus (correction officer participation)
 10. Kitchen equipment
 11. Microwave ovens and refrigerators for hot meals
 12. Driver training (reduces insurance rates and removes marks on license)
 13. Pavilions

14. Picnic areas
15. Athletic ball fields
16. Employee recreation areas
17. Employee housing
18. Hostage Survival Training
19. Hazardous Device Training
20. Labor Management Seminars
21. Health Risk Appraisal
22. Slide presentation to improve the correction officers' image
23. Exercise programs
24. Food coops
25. E.A.P. assistance
26. Ongoing programs to enhance the working conditions and image of all employees

This list is a random sampling of funded projects.

COMPARE THESE BENEFITS WITH TUFCO



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

RUFCO

March 15, 1984

Mr. Thomas Hartnett
Director
Governor's Office of
Employee Relations
Agency Building #2
Empire State Plaza
Albany, New York 12223

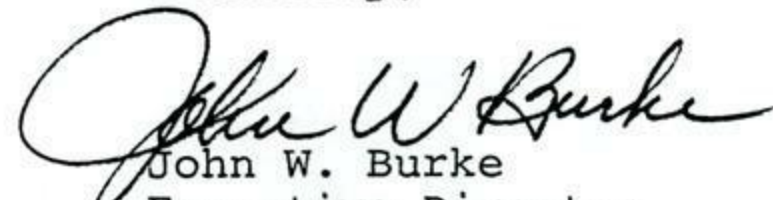
Dear Tom:

Enclosed please find information pertaining to T.U.F.C.O. activities at Fishkill Correctional Facility.

The documentation is self-explanatory and as you can see the activities of the named individuals are in violation of the Taylor Law. This type of activity is going on at other facilities and it should be immediately stopped.

By way of this letter I am demanding that the Governor's Office of Employee Relations stop this violation of law immediately.

Sincerely,


John W. Burke
Executive Director

JWB/dmf

Encs.

cc: Commissioner Thomas A. Coughlin, III



3/23/84

RMED

Dick:

I have a question about the CONTRACT that I would like cleared up before it comes up. It involves SECTION 11.7 Longevity Payments. I assume that "Security Services Unit" is a term which covers ALL job titles in Council 82, but the term is NOT defined in the CONTRACT book. I assume that our payroll office will claim that it only applies to jobs covered by Correction.

I started with N.Y.S. on JAN. 16, 1975 as a Safety Officer, Local 1790. I worked for Safety until Aug 13, 1978. The next day I started for Correction. I will have 10 years on JAN 16, 1985, and believe I should receive a longevity payment because Safety is covered by Council 82. Would you please send me a letter that I could give to payroll later this year if I am right.

I assume you know there has been a lot of activity concerning T.U.F.E.O. At Adirondack, Phil Dobie has brought them to a union meeting, had them pass out membership cards etc. Last week he and several

3/27/84 cc file Original to D. Bischoff

①

Others were passing out cards calling for a election between Council 82 and T.U.F.C.O. I was told that I was one of only a few that refused to sign a card. There seems to be a great deal of interest in T.U.F.C.O. here and I believe it would be wise for Council 82 to try and do something to counter it. What can or will happen, will there be an election, if so when. If the interest at Adirondack is typical then Council 82 had better get moving at trying to improve their image. If an election was held at Adirondack I believe T.U.F.C.O. would win 20 to 1. A lot of our officers are young and their opinion could be changed, but Council 82 would have to be heard like T.U.F.C.O. has been. I would also think it would be wise to remove Phil Dobbie and replace him with Steve Cagnon who is more supportive of Council 82. I assume you already know everything I have told you but if case you did not, you now do.

I also would like to give you several items which I believe should be changed.

3

in our next contract. Section 11.8 (6) INCONVENIENCE pay has not changed in at least 10 years. Why not? Other jobs pay up to 10% more, I believe the Federal Prison system is one of them. Paying more would be one way of keeping officers working 4-12 and slowing down the rapid turnover on the afternoon shift.

Also a sick time plan like the state police have would be great. I understand it has worked well with them and I would like to see us get the same thing.

The third thing involved the Tier 2 plan. All the improvements have been aimed towards Tier 3. I would like to see retirement (and collection of benefits) possible after 25 years of service, regardless of age. Also it would seem logical that 25 years in Council 82 should be enough regardless of department. Tier 2 could probably be changed because it involved a small number of employees as compared to Tier 3. Don't forget us.

I see that Safety Officers received an upgrading. They perform many of the same

(4)

DUTIES THAT C.O.'s PERFORM. ALSO C.O.'s
HAVE REPLACED SAFETY OFFICERS AT CORR. FACILITIES
IT WOULD SEEM TO ME THAT IF THEY GOT
A UPGRADING WE SHOULD RECEIVE THE SAME THING.

I HOPE YOU DO WELL AS PRESIDENT AND
THANKS FOR YOUR TIME

Dick

DICK FAULKNER
28 AMPERSAND AVE.
SARANAC LAKE, N.Y. 12983
518-891-0106



Security and Law Enforcement Employees Council 82

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

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

TO : Frank Benedetto

FROM: Chris Gardner

DATE: March 23, 1984

RE : TUFCA Right to Facility Access Prior to Challenge
Period; Issues and Approaches

Section 208 (subd. 2) of the Civil Service Law provides that a certified bargaining representative is entitled to unchallenged representation status until 7 months prior to the expiration of its written contract with the employer (September 1, 1984).

PERB Rule 201.3(d) provides for a thirty day challenge period immediately before the statutory 7 month period, during which a challenge petition may be filed (August 1 through August 31, 1984).

PERB requires that the signatures on any showing of interest filed by a challenging organization be signed and dated within 6 months of the filing of the petition. (No sooner than February 1, 1984 through February 29, 1984, depending on date of filing during August.)

The courts have stated:

"Implicit in these rules is the fact that challenging organizations must begin their organizational efforts prior to the end of the statutory period of unchallenged representation. PERB has recognized this and has held that an outside union does waive the right to equal access privileges during a period of time which is reasonably proximate to that in which the incumbent union's representation status can be challenged. (Emphasis added.) Maryvale Educators Association v. Newman, 70 AD 2d 758 416 NYS 2d 876.

The \$100,000 question is: what does "reasonably proximate" mean?

It has been held that when the challenge period is November, September 30 is a "reasonable proximate" time to grant equal access. In our case, the challenge period is August. Therefore, clearly June 30th is a date by which TUFCCO should have equal access. (See Great Neck Union Free School District, 11 PERB, paragraph 3079.)

It has also been held that 14 months prior to the statutory challenge period is not "reasonably proximate", Maryvale Educators v. Newman (*supra*), so as to require equal access for the challenging organization.

The current State policy is to grant equal access to TUFCCO for a 3 month period prior to the date for filing the petitions (August). Under this time schedule, TUFCCO would gain equal access on May 1, 1984.

This is 2 months longer than the 1 month period which the courts have upheld. Although a 3 month time limit would probably be considered "reasonably proximate", it may be worth a shot to persuade O.E.R. to adopt the 1 month rule.

If persuasion fails, an improper practice charge could be filed against both O.E.R. and TUFCCO, although the chances of success on such a charge would be small. It could, however, serve a useful purpose - putting the Department and TUFCCO on the same side of the fence.

A thornier issue is: what is the nature of the "equal access" to which TUFCCO is entitled? The rules surrounding "equal access" were not made with a maximum security correctional facility in mind.

O.E.R. guidelines are stringent limiting soliciation to non-working hours and non-working areas.

O.E.R. guidelines also state that an employee organization may not use State property for a campaign purpose except under the following conditions:

- (a) suitable space is not reasonably available elsewhere in the area;
- (b) the employee organization reimburses the State for any costs which the State incurs as a result of making such space available; and

- (c) the organization requests the use of such space in advance.

It is difficult to imagine instances when "suitable space is not reasonably available elsewhere". Therefore, we should get an informal commitment from Coughlin to not permit TUFCCO to use State grounds for their meetings.

Section 5.1(c) of our contract deals with bulletin boards. It states, in part, - "During the period which the union has the exclusive right to bulletin boards, no other employee organization, except employee organizations which have been certified or recognized as the representative or recognized as the representative for collective negotiations of other State employees employed at such location, shall have the right to put material on State bulletin boards."

The issue is: what does "the period which the union has exclusive right to bulletin boards" mean? I would argue that the exclusive right to the bulletin boards is coterminous with the terms of the contract based on the "exclusivity" language in the recognition clause.

This interpretation would conflict, however, with O.E.R. guideline #7 which gives TUFCCO equal bulletin board access on May 1. It also conflicts with Charles Devane's March 8th memorandum. It may be worthwhile to get Devane to back off and accept our contract interpretation.

CHG:ss

cc: Jack Burke

Copy in E. Deans
Folder Left Side

B. Craft
M. Parke

D. Winnie

G. Ferrari

T. Sherlock

F. Sharkey

D. Gonzalez

W. Jackson

D. Candelo

C. McGregor

G. Slater

J. Nicoletti

D. Ortiz

D. Koster

A. Linzey

L. Conklin

M. Caron

L. Rola

P. Fairley

G. Greggo

A. Dalland

S. Eckert

R. Myers

G. Curtis

J. Stein Hilber

B. Briggs

J. Sinnott

P. Vereen

J. Muniz

M. Dunn



JACK Right Side of Folder

AFSCME®

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

Telephone: (518) 465-4585

March 21, 1984

Mr. John Burke
Director
AFSCME COUNCIL 82
63 Colvin Avenue
Albany, New York 12206

3/22/84
cc: H. Chase
F. Benedetto
R. Bischert
T. Puma
T. Burke

Dear Jack:

This letter is in response to your and President Bischert's request for information on services rendered from the International Union out of Washington, D.C.

In anticipation of increased TUFCO activity, I have asked each department to fully explain their area of expertise and to research their files. Hopefully, the research will provide actual examples of support provided to Council 82 from AFSCME International. This is a time consuming activity, as the information is not computerized and requires manual effort. In the meantime, I have prepared a brief summary of activities for use by your staff.

The issues of AFL-CIO "Article XX" protection and AFSCME'S committee structure are two areas which do not appear in the Appendix I Departmental Summary but should certainly be discussed. As an AFSCME council, all members of Council 82 are also members of AFL-CIO. This affiliation is paid for out of the regular Council 82 dues and results in no additional cost to your members. Article XX of the AFL-CIO constitution concerns raids by other unions and jurisdictional boundaries. In short, this article guarantees that no other AFL-CIO affiliates can ever attempt to represent workers now represented by Council 82. Further, should a group of employees decide to decertify, Council 82 would retain organizing rights to those workers and they would be barred from joining another AFL-CIO affiliate, even if they were no longer members of Council 82. Article XX prevents any union except the Teamsters or an independent union from representing your members. We should also stress that should New York State Correctional Officers choose to ever leave Council 82, they would be barred from later changing their minds and going with another union. They will be barred from the "House of Labor" unless they stay or go back with Council 82.

As you know, by virtue of your membership on the committee, AFSCME International is also the only international union with a

-1-

in the public service

corrections policy committee. The committee allows state/local members to have direct input into forming national policy on issues which directly affect them. Through the committee, correction officers are able to determine the union's position and lobbying direction in Congress and the White House. Further, the committee meeting regularly, offers correction officers from around the country the opportunity to exchange information, ideas and experiences. The ability to know how other correctional systems operate, nationwide, has proved invaluable in preparing for negotiations or presenting solutions to difficult problems during labor/management meetings. I should also point out that it was this committee which recommended and pushed for AFSCME'S study on stress and correction officers. To my knowledge, this is the most comprehensive study of its kind and has proved extremely useful in lobbying around the country for better pensions and/or correctional officer heart bills.

The theory behind any federation, such as AFSCME, is that by many groups standing together, the individual groups can offer services for their members which would otherwise be too costly. This year's operational budget for the International Union is about \$50 million, which does not include major equipment investments such as the television studio. Council 82 is able to access the varied services which these millions provide by virtue of their \$1/2 million annual per capita. Appendix I entitled "Summary of Departmental Services-AFSCME International," briefly describes these services and is attached to this letter. Of course, all services are available without additional charge to Council 82 and your members.

I hope the information proves useful in further acquainting Council 82's members with services as well as helping to point out the "hidden benefits" which TUFCO cannot provide at any cost. If you need additional information please feel free to contact me.

Fraternally,

Steve Fantauzzo (Lb)
Stephan Fantauzzo
International Union Area Director

SF:lg

cc: Harold Teague
Elizabeth Brickman

APPENDIX I
SUMMARY OF DEPARTMENTAL SERVICES - AFSCME INTERNATIONAL

I. BUSINESS OFFICE

This department coordinates all dollar-related activities. Local treasurer training is conducted from the Business Office and Council 82 received such training during the fall of 1983. Training classes cover all aspects of IRS law, form filing, and proper expenditure/accounting. The U.S. Department of Treasury mandates locals to file extensive reports and a large portion of training is designed to prevent later problems with the IRS.

The Business Office also provides field auditors to councils and locals when there is a suspicion of misappropriations. As in the case of AFSCME Local 1255, an auditor will be assigned to investigate the financial records and determine if union dues have been properly spent. The International Union also maintains bonds for all locals. If money appears to have been misappropriated, the International Union will act on behalf of the local's members and file a bonding claim with the insurance agent. Recently, the members of AFSCME Local 826 in Binghamton, New York, received over \$11,000 based on an Internationally filed bonding claim against former officers. In addition to demonstrating that the process works, it also shows that our procedures are strict enough to detect and correct problems, internally.

The new computer system which Council 82 is in the process of installing also comes from our Business Office. When a council is determining its computer needs, a computer expert is sent in to assist with planning and design. Through the International, a council can purchase new, advanced quality computers at about 60% retail cost. More importantly, the International Union has developed all the necessary software programs and this technology is available to your members free of charge. Typically, the software will run as much as the hardware; in the case of Council 82 - \$75,000. Additionally, when the equipment is installed, training of office staff is also provided free of charge.

The Business Department is also responsible for review of constitutions and helping the president establish jurisdictions as well as issuing membership cards. The jurisdictions issued make that local the sole and exclusive agent for workers covered.

II. COMMUNITY SERVICES AND WOMEN'S ACTIVITIES

While not a critical department to the membership of Council 82, even this department is relevant. Community Services and Women's Activities (CSWA) assist councils and locals in developing or strengthening existing EAP programs. Individuals who specialize in EAP programs are available to assist your members during negotiations and labor/management meetings. This department is also concerned with increasing

APPENDIX I (CONTINUED)

II. COMMUNITY SERVICES AND WOMEN'S ACTIVITIES (CONTINUED)

the union's visibility and promoting its image in the community. For example, the AFSCME/COUNCIL 82 booth at the State Fair results from this department. As we move more and more into legislative lobbying and press relations, the union's image becomes increasingly important and CSWA has been created (in 1983) to meet that need.

III. EDUCATION

The function of the Education Department is critical if we are to have a strong and effective union. It is this department's responsibility to ensure that training is received at the local union level. Because the responsibility is so important, especially in New York, a full time Education Coordinator (Shirley Reeder) has been assigned by the International to New York and Council 82. Beyond Sister Reeder, additional trainers and resources are available from Washington, D.C. Educational classes can be tailored to meet the specific needs of a local union or council. However, programs in the following areas are always available--Steward Training, Officer Training, How to Write a Newsletter, Grass Roots Lobbying, Safety and Health, Union History, and Grievance Handling. During 1983, the International Union, with Council 82, conducted a series of education classes statewide for both corrections and law enforcement. Every local within Council 82 was notified and most chose to take advantage.

Through the Education Department, the Union also maintains a film library, boasting over 100 different Educational Union films. The films are available for local union meetings upon request. Also, the International Union publishes on a monthly basis the Steward's Magazine which is sent to every registered steward in the country. This magazine further fine tunes the skills learned through the educational classes.

Council 82 regularly sends its staff to the George Meany Labor Studies Center for additional training in areas such as arbitration preparation and video-techniques. The college is open to Council 82 staff and members by virtue of their affiliation with AFSCME.

IV. FIELD SERVICES

Field Services is responsible for overall direction of all International staff operated in an area and for any new organized activity. In New York, thirteen (13) International staff presently service the five AFSCME councils (at a payroll cost of about \$1/2 million). At present, most organizing is taking place in California, Illinois, and Ohio, where AFSCME is organizing the correctional unit, among others.

In addition to overall direction and organizing, the Field Services Department acts as a funnel for all requests and services between Council 82 and the International Union.

APPENDIX I (CONTINUED)

IV. FIELD SERVICES (CONTINUED)

Department personnel are also responsible for resolving internal problems brought forth by members and for combatting decertification attempts.

V. JUDICIAL PANEL

The Judicial Panel is the internal dispute resolution procedure for the entire Union. Its impartial makeup and procedural requirements have been upheld, thus preventing the various courts from intervening in Union affairs. At present, eight rank and file AFSCME members are selected to sit on the Judicial Panel, hearing cases around the country.

The Judicial Panel rules on the validity of elections, making sure that the procedure is fair and democratic. Recently, the panel was called upon to hear an election protest filed by Brother Hickey in Local 1790. This panel also presides over all charges filed by AFSCME members against other members, staff, or officers. The AFSCME constitution is the only major constitution containing a bill of rights for union members. That bill allows members to file charges and eventually have those charges heard and ruled on by this independent body. In this manner, the rights of the individual are protected against abuse of power by union officials.

VI. LEGISLATIVE AFFAIRS

As you know, the International Union maintains two full time lobbyists on staff to assist Council 82 in Albany, New York. Additionally, as many as five temporary staff are now assigned to New York, working on the Presidential and Congressional races. The in-state staff works very closely with Council 82 and in the last five years, has achieved major legislative advances on behalf of public employees in general and correction officer's in specific. These include reform of the Tier 3 pension system, early retirement for correction officers, and binding arbitration for law enforcement. Presently, the staff is acting to keep Brentwood open. The International Union annually sponsors one or two lobbying days for Council 82, with the 1983 lobbying session being the most successful in the Council's history. With the assistance of International staff, Council 82 has become one of the most respected lobbying forces on Capitol Hill--a respect which far exceeds the Council's actual members.

In addition to the state staff, twenty lobbyists work in Washington, D.C. making sure that Congressional legislation and programs favorably affect our members around the country and in Council 82. Those lobbyists have been instrumental in passing LEAA and general revenue sharing funds which are directly used by the state and the provision of correctional services. In addition to the actual lobbying effort, the Legislative Affairs Department also maintains voting records on all New York congressmen and has the computerized ability to tell Council 82 or its members how an individual congressman voted

APPENDIX I (CONTINUED)

VI. LEGISLATIVE AFFAIRS (CONTINUED)
on a specific issue of concern.

The Legislative Department also serves as Council 82's representative on New York's public employee conference. The Public Employee Conference is the major lobbying effort of public service unions in New York State and serves to further the programs put forth by Council 82. PEC, as well as AFSCME and Council 82 were the moving force behind the election of Governor Cuomo, which has proved generally beneficial to the Council.

VII. PEOPLE/POLITICAL ACTION

This department is responsible for determining actual dollar contributions to be made to Congressional candidates. In addition to Congressional contributions, the Political Action Department was also responsible for a major funding effort on behalf of Governor Cuomo. As you know, federal restrictions prohibit the use of general dues money for political contributions for candidates at the federal level. Therefore, the collection of people money to a voluntary mechanism is the only system which allows Council 82 to contribute to Congressional/Presidential candidates.

In addition to determining and funding political candidates the People/Political Action Department is also responsible for field workshops throughout the nation. These workshops focus on how to prepare and run an effective political campaign and include such specifics as phone banking, preparation of leaflets and palm cards, how to write a letter to your representative, and how to lobby.

VIII. PUBLIC AFFAIRS/PUBLIC EMPLOYEE

The Public Affairs/Public Employee Department is the International Union's major communications department. The monthly newspaper, which is received by every member of Council 82, is produced from this department. In addition to the Public Employee which is produced in Washington, two public affairs associates are assigned specifically to New York to meet with the needs of our councils and John Funicello was previously responsible for the production of Council 82's newsletter. Brother Funicello, as well as the other members of the Public Affairs Department, are available and have, conducted all aspects of communication from leaflet and letter writing producing to public speaking.

One of the International Union's most recent focuses has been to thrust the Union into the age of communications. This has been done in a number of significant ways, foremost with the actual production in Washington, D.C. of a television studio. The studio has been used not only by AFSCME but by other unions (we are the only union with a television studio facility) as well as councils to produce tapes dealing with specific problems that can be tailored specifically to your members. Several councils have already taken advantage of the International Union's television studio as a means of

APPENDIX I (CONTINUED)

VIII. PUBLIC AFFAIRS/PUBLIC EMPLOYEE (CONTINUED)

communicating more effectively with their members on issues of general concern. The Public Affairs Department has also been responsible for the production of the various AFSCME commercials which have been running on and off in New York for the past two years. The purpose of those commercials is to increase the Union's visibility to the general public who pay the taxes which produce our salaries. Overall, reaction to the commercials has been very favorable and has been beneficial. Through the studio facilities, the International Union also retains the capabilities to produce radio actualities for use by Council 82, your locals, and members. Radio actualities are produced in Washington by use of tapings which then can be relayed to all the major radio stations in a given area (i.e. upstate New York, Albany, Buffalo, etc.). The radio actualities have been used to address specific issues, such as the closing of Brentwood on Long Island, and to present the Union's views instantaneously to the public.

IX. PUBLIC POLICY

The Public Policy Department is one of two major resource arms of the Union. Public Policy concentrates its efforts on researching various tax efforts/incentives and institutional problems. For the first time in the history of any union, the Public Policy Department recently produced a county by county analysis of the impact of Reaganomics in New York. This analysis details on a county by county basis every federal source of revenue which the state's (corrections) or local government may receive, describing the cuts which have taken place since 1980 in that specific program and county.

Through the Public Policy Department, the International Union has access to economic forecasting data which is essential during negotiations. The Public Policy Department is capable and has been used to forecast what state revenues will be over the next three years, the increase in the consumer price index, the impact of proposed tax cuts, and, the local impact of an institutional closing (such as Brentwood).

X. RESEARCH DEPARTMENT

The Research Department is responsible for providing a number of skilled technicians in specialized fields. For example, the correction officer stress study was conducted through the Research Department by Francis Cheeks. In addition to technicians versed in the area of stress, the Research Department maintains two professional staff whose sole and exclusive function is the analysis of pension and health care programs. Typically, these individuals are called into bargaining to analyze pension proposals or health care proposals submitted across the table by the employer.

The computer system has allowed the Research Department to dramatically update and improve its wage and benefit information.

APPENDIX I (CONTINUED)

X. RESEARCH DEPARTMENT (CONTINUED)

At present, the Department is capable of providing information to Council 82 and your members on wages received by correctional officers or other classifications around the country. The computer is also capable of providing contractual language, (i.e. sick leave, vacation, holidays) from other contracts around the country which should prove invaluable in your upcoming negotiations. As with the pension and health benefits specialists, this information and technicians are available to assist Council 82 with onsite contract negotiations.

The Research Department also maintains information on a number of other subjects including, contracting out, safety and health, recent settlements, and new technological advances. This department of the International Union was responsible for producing the Oren's Safety and Health booklet as well as books on Passing the Buck (contracting out), and Facing the Future (new technology).

One of the most widely requested services provided by the International Union is a provision of budget analysis. These analyses are performed by experts in the Research Department and typically the provision of this single service by an outside consultant may run anywhere from \$3000 to \$20,000. The budget experts have the ability to analyze the state's budget as well as the Department of Corrections budget to determine where expenditures have been overestimated and, revenues underestimated or potential surpluses. The budget analysis in many cases proves the most valuable tool during contract negotiations. As with the other experts in the Research Department, the budget experts are available to assist Council 82 in negotiations and have been called in the past.

March 30, 1984

TUFCO

Mr. Dick Faulkner
28 Ampersand Avenue
Saranac Lake, New York 12983

Dear Dick:

Enclosed please find a letter supporting our position on Longevity Payments. I am in full agreement with you.

I am not surprised about Dobie. Do you know any one who would sign a statement about his activities? Has he used Local Union funds for T.U.F.C.O.? Is he taking Union funds for his expenses concerning T.U.F.C.O.? We are getting past the point of being nice about this. Any help or information you could supply would be greatly appreciated and would be kept confidential. Feel free to call me any time (toll free) - 1-800-342-4321.

Briefly, the following events could take place:

May 1, 1984 - 90 day open period - T.U.F.C.O. has access to public areas of facilities to conduct challenge and sign cards.

August, 1984 - submit to P.E.R.B., requesting an election for representation of all Council 82 Locals. Must have at least 30% of total Council 82 members.

October, 1984 - P.E.R.B. would run an election. If T.U.F.C.O. were to win, they would have to assume all of Council 82's present responsibilities. All assets of Council 82 would be retained by Council 82, not given to T.U.F.C.O. Where would their money come from to operate their union? They would have to service the present contract until it expires and also negotiate a new one. The losses that could come about are scary.

I will see to it that you receive more detailed information at a later date.

Mr. Dick Faulkner
March 30, 1984
Page 2

Some other questions you asked concern our Contract:

1. Night Pay. Each time we negotiate a new contract, we attempt to obtain more, but at some point we must decide what our priorities are. We usually settle for money issues for all members. Naturally this is a Committee decision.
2. Sick Time. In the last set of negotiations, we submitted sick leave proposals, but the State refused to discuss giving us any sell back. We did discuss the possibility that if things worked out for the State Police, maybe something could be tried in Correction.
3. Tier 2 Retirement. These issues are discussed by the Legislative Committees. As you know, the Local Union Chairman has input and voice. I don't recall much ever being said by these people concerning Tier 2. We have the P.A.C.C.-82 Committee now in an effort to upgrade our whole Legislative Program. Members in Tier 2 should voice their concerns to their P.A.C.C.-82 Chairman.

Just for your information, Dobie was the only Local President to vote against the P.A.C.C.-82 Legislative concept at the 1983 Council Convention. He comes to Albany for lobbying days but never meets with any legislators. I urge you to go to a membership meeting and tell him about it.

4. Upgrading of Correction Officers. As you know, we had submitted documentation for a 3 grade reallocation, but our case was killed by Classification and Compensation.

Arthur Young Associates are now surveying the whole Classification and Compensation System. I have met with them several times and have given them our justification for upgrading.

Mr. Dick Faulkner
March 30, 1984
Page 3

I am somewhat optimistic about the outcome. I hope they put a dollar value on job stress and burn-out. If they do, we should get something.

It was good to hear from you. I hope everything is going well for you. If I can ever be of any help to you, please don't hesitate to contact me.

Keep in touch.

Sincerely,

A handwritten signature in cursive script, appearing to read "RJB", is written in dark ink.

Richard J. Bischert

RJB:ss
Enclosure

State of New York
Department of State A030-750 (5/75)

ROUTE SLIP

TO:

James Roman

Date:

4/13/84

1

2

3

4

APPROVAL

NECESSARY ACTION

CONTACT ME

PLEASE PREPARE DRAFT OF REPLY FOR MY CONSIDERATION

COMMENT

SIGNATURE

AS REQUESTED

YOUR INFORMATION

NOTE AND RETURN

PREPARE REPLY

FROM:

Robert C. Batson/wy

REMARKS:

NFCO

1. Great Seal of the State of N
2. ER
3. Chron.

September 27, 1983

The United Federation of
Correction Officers
P.O. Box 72
Hudson Falls, NY 12839

Sirs:

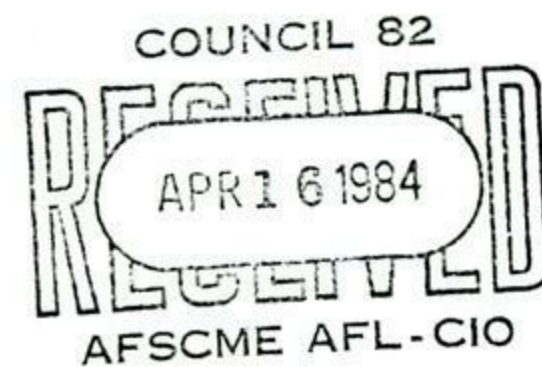
The Secretary of State is the custodian of the Great Seal of the State of New York which bears the coat of arms of the State of New York. For this reason we frequently receive inquiries about the use or misuse of the coat of arms.

It has come to our attention that your organization is making use of the State's coat of arms on various printed matter. This may be in violation of § 136 of the General Business Law, and possibly in violation of § 133 of such law, violations of which are misdemeanors. I enclose a copy of § 136 of such law for your information.

Very truly yours,

Edward Rook
Senior Attorney

ER:mm
Enc.
cc: Robert J. Buchner
Asst. Attorney General



4/16/84 cc file
Original to J. Roman

LOCAL PRESIDENTS INFORMATIONAL MEETING
APRIL 23, 1984

D. Bischert copy of Executive Board activities and hand as to Executive Board members and presidents responsibility to each local present also AFSCME manuel on what it does for members.

Explanation of how local Unions should structure activity on TUFCO and who to contact by area of state to report to Council to Frank Benedetto.

Council 82's responsibility to local presidents and local presidents to the local members. If there is anyone present advocating TUFCO get out of Council 82.

C. Abraham
Long Island C.F. Requested regional presidents meeting as per handout breakdown.

D. Bischert If there is a meeting a person should be there from Council. If a meeting is scheduled to notify Council 82.

F. Benedetto Explanation as to his area of responsibility as special staff. Double agents must go. Entering period of open access where locals are open to be addressed by unions.

Daily business will be conducted as usual Council 82 will still be responsive to the needs of its members. Look to local leaders to keep Council 82 informed on TUFCO activity. To report grievances and problems within Council 82.

What we need is a small test for each local as to services and problems.

LOCAL PROBLEMS
LOCAL 1240
Elmira

No L/M problems. No TUFCO activity.

Local 152
Green Haven

George Schneider - more notice as to this process of problems address to J. Burke as per Review article. What are we going to do exactly when a strong statement is made. Be more specific.

*keep open communications to Council.
*No response as per cancellation of meeting or appointments.
*Some TUFCO literature being passed but members don't know why.

LOCAL PRESIDENTS INFORMATIONAL MEETING
APRIL 23, 1984

J. Burke stated he must give priority to certain areas be it Albany or work cites. If staff representatives are not responsive to inform him and they will be dealt with.

Local 2458
R. McCarthy
Building Gds. No problems. Atmosphere getting better. Some will sign cards to break buns.

Local 1040
J. Mann
Attica Problems being dealt with OK. Staff representative at facility very responsive to local. TUFCCO very small problem. Good response from Council 82.

Local 1792
J. Emmett
SUNY No problems. No report of TUFCCO activity.

Local 1872
Lynn Day
Forest Rangers Members have just rejoined because of good response.

Local 1873
Larry Johnson
Conservation No problems. No TUFCCO activity. Asshole back on street

Local 2655
C. Cambareri
Mid-Hudson Psy Problem of title change

Local 2965
V. Sparace
C.N.Y.P.C Problem of title change. No TUFCCO activity

Local 738
J. Halvorsen
Hudson TUFCCO past president tried to get them in. Lack of communication from Council 82 but getting better.

F. Benedetto asked what are needs. Contact Joe Puma. Past practice was problem now Council 82 is responding.

Local 300
Lyon Mt. Carl Rounds - No problems but is glad Council 82 Executive Board has changed. See Council 82 address New recruits. No TUFCCO problems.

LOCAL PRESIDENTS INFORMATIONAL MEETING
APRIL 23, 1984

Local 1272
T. Rounds
Clinton

Grievance about Master Joseph female correction officer who is screwing who contractually. Wants to see I.P. on this problem because agency backs off but Clinton is not in support of TUFCCO as per mail gram

Local 1653
C. Abraham
Long Island

TUFCCO in back yard. Only friends of TUFCCO are signing cards. Some of these are coming back due to Larry Germano. Keep facility opened.

Local 1413
W. Jakes
Ossining

Communication problem. Information not being distributed. No feed back on contract, if seniority is lost the members would walk. Having problems.

Local 1041
Eastern
Karl Simons

TUFCCO some curiosity about TUFCCO Some people trying to use TUFCCO to make out for personal benefits. Looking to Council 82 for the outcome on Time class, Military leave, etc. Some disappointment with QWL.

Local 1871
Sgt.
Herb Jones

First six months of new Board TUFCCO really worked on Council 82. Turned this around by active assistance.

Local 923
Albion
D. Seefeldt

No major problems. some involvement due to ignorance. Staff representative excellent response.

Local 1406
Collins
R. Lomanto

Needs more information as to open period. Rules to take and show superintendent as to open period.
GIVEN COPY BY WOODBOURNE

LOCAL PRESIDENTS INFORMATIONAL MEETING
APRIL 23, 1984

Local 2556
Groveland
M. Clark

No TUFCA at all. 7 old members question on new recruits. Some questions by new employees as to benefits pay increases. Staff representative good response. New Board coming on soon.

Local 1447
Auburn
Ed Brewster

Along with Dave DeChick and Mr. Holmes alot of turmoil due to boss. Council 82 handled their meeting well. TUFCA very strong. Possibly under control. Would like to see more regional activity.

Local 866
Adirondack
P. Dobie

The law firm is the problem as far as Council 82. TUFCA some movement to get Council 82 off ass to wakeup.

Local 1285
Gabriels
C. Hugaboom

New board here. Needs to get information on how union things get done. Some TUFCA move since the end of March. TUFCA is due to curiosity. Council 82 is the main stay as far as members need.

Local 1279
Great Meadow
T. Badman

Along with Dennis Fletcher and Nick Catalfamo. Staff representative good. Stewards on all shifts. TUFCA very big because of internal union. End is still Council 82. TUFCA because of health spa, fraternal order. This not a part of local business.

Local 2398
Arthurkill
N. Grinnage

TUFCA there on three occasions. Did not good response. Feeling that TUFCA is only dealing where people are in need.

Local 2967
Otisville
D. DiGerlando

Some small groups of problems. Council 82 there at any request.

LOCAL PRESIDENTS INFORMATIONAL MEETING
APRIL 23, 1984

Local 1264
Coxsackie
J. Kraft
Few problems on TUFCO, very hazardous to
TUFCO - Pro Council 82

Local 1798
OGS
G. Floyd
no TUFCO Pro Council 82 always and forever.
Some communication problems only on occasion.

Local 1876
Camps
R. Fitch
Members undecided. Problem on grievance
length of response.

Local 2825
Bayview
B. Moses
TUFCO very quiet

Local 1996
Edgecombe, Lincoln,
Fulton, Parkside
W. Hill
TUFCO in Lincoln. Not in Edgecombe or
Fulton

Local 1255
Fishkill
R. Brown
No problem with Council 82. TUFCO
intimidating new officers. TUFCO is
now on defense.

Local 1548
Watertown
M. Booth
Along with Frank Guerin and Lance Mason.
Beginning to look like Auburn due to the
transfers. Management some problem.
Council 82 has begun to gain the confidence
of members.

Local 1790
Safety Officers
R. Lesniak
Not present

Local 781
Ogdensburgh
M. Estes
Same as Watertown. Good response from staff
and Clinton. No TUFCO there at all.

Local 1151
Woodbourne
P. Healy
TUFCO trying hard with little success. Even
young officers are rejecting. Problems are
from Department not due to union. Grievance
procedure at agency level. All in support
of Council 82.

LOCAL PRESIDENTS INFORMATIONAL MEETING
APRIL 23, 1984

Local 2197
Queensboro
G. Trammel

Some TUFCCO activity. No TUFCCO basketball team

Local 399
Downstate
C. Keenan

Problem with administration. Heavy TUFCCO due to a leader living there but very quiet recently.

Local 3023
Mt. McGregor
P. Casola

Administrative problems. TUFCCO alot of people pushing lodge but not union.

CLOSING BY
J. BURKE

Due to the fact that he is the Executive Director he must make decisions some of which everyone will not like. Council 82 has the best representation per member then anyone. He stated his background in unionism about his changes from within. Wages almost at par with New York City and dues are by far lower. If there is a problem with staff bring it to Council 82's attention. If TUFCCO did win they get nothing from International. All Council 82 properties are locked up they would get nothing.

C. Abraham

support before negotiations.

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?



Security and Law Enforcement Employees Council 82

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

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

November 15, 1984

Mr. C. Abraham
48-50 57th Avenue
Rego Park, New York 13368

Dear Brother Abraham:

First, I want to thank you for participating in our one-on-one program. Your participation helps ensure that Council 82 remains as the bargaining representative for the Security Services Unit.

It is essential that we thoroughly and decisively crush "TUFCO" in the upcoming election in order to strengthen our bargaining position with the State of New York. Let's make sure that we "run up the score" so that the State of New York realizes it's dealing with a tough, unified force in negotiations, which can continue to deliver the biggest pay increases of any union in the country.

The reports from the field and our polling on the one-on-one program have been extremely encouraging. Where the program has been fully implemented with member-to-member polling and literature distribution, "TUFCO" has virtually disappeared. Keep up the good work, and make sure you get credit for the good work you have done by sending us your reports on a regular basis.

We will be sending you additional campaign literature for distribution in the near future. In the meantime, keep in close contact with the membership, and keep the Council abreast of your activity with both written and oral reports. Let's make sure that we hit "TUFCO" with a knockout punch that will send the right message to the State. With your help, we will deliver the best contract ever at the next round of negotiations.

Fraternally,

John W. Burke
Executive Director

JWB:ss



Security and Law Enforcement Employees Council 82

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

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

November, 1984

Dear Election Coordinator:

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

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

Worthless
Inexperienced
Misrepresentatives for
Phony
Correction
Officers

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

Article in the Plattsburgh Press Republican October 3, 1984

TUFCO vs. Council 82

To the Editor:

Council 82 is intentionally distorting the language of the Constitution of TUFCO. Lets set the record straight.

Council 82's distortions

TUFCO is run by a dictatorship.

TUFCO leadership have been put into power permanently.

TUFCO does not have conventions.

TUFCO will have its main office in Hudson Falls and ignor the rest of the State.

TUFCO lied to the people and refused to respresent the whole Security Services Unit.

TUFCO local officers are appointed by the directors.

There will be an initial fee of \$200 per man.

The TUFCO directos set fees and dues arbitrarily at any time.

TUFCO Constitution does not allow referendums or vots by the membership.

THE TRUTH ABOUT TUFCO:

The Statewide officers are elected by on man one vote sustem.

Statewide elections every three years.

Conventions are held every two years.

After the election the main office will be in Albany.

TUFCO will represent the entire Unit as required by the Taylor Law. However, a separate structure is put into place for non-correction groups.

The locals will elect their own leadership.

The budget is proposed by the directors based on imput from the locals and regional business agents. The budget must then be approved by the Union board made up of the chief stewards of all locals.

The dues are set by the regular budget procedure. There is no initial fee.

The directors may propose amendments but the regular or special conventions must approve the amendments by majority vote. The membership at large then may approve the amendments by majority vote. Amendments may be submitted by locals.

There will be an election between TUFCO and Council 82. The petition cards have been turned over to PERB. The dues paying members will decide who is the better Union. In order to make a wise decision one must know the facts. If any one would like more information or have a meeting in your area please write to TUFCO, Box 310, Hudson Falls, New York 12983.

Signed Phil Dobie, Saranac Lake, N.Y.

TUFco

THE ISSUE IS POWER

Dear Brothers and Sisters:

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!

On the other hand, 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.

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 a matter of power.

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,

John W. Burke
Executive Director

JWB:ss



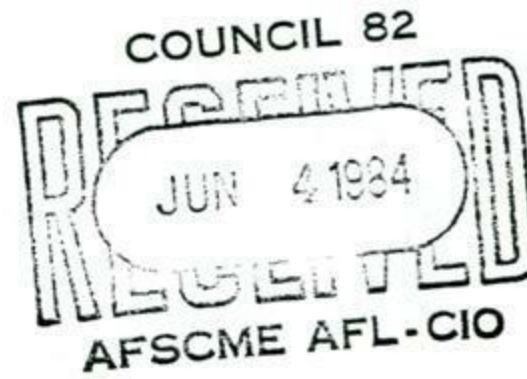
AFSCME / New York State

One Commerce Plaza, Suite 1012, Albany, New York 12210 (518) 465-4585

To: Frank Benedetto From: Steve Fantauzzo *St* Date: 5/30/84

Re: Phil Sparks Memo of 5/22/84

For Your Information



*6/4/84 cc file
Original to L. Benedetto*

in the public service



AFSCME®

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

Telephone: (518) 465-4585

May 29, 1984

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

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

1) In addition to developing an organizing poster for Council 82, it is my understanding that we will also be reprinting 5,000 copies of the special Public Employee reprint of correction officers for Council 82. This reprint will eliminate the back-side picture of Leander McCall and include on its front-page the Council 82 slogan, "Council 82 - The Right People, The Right Union, The Right Stuff."

2) We will also be placing a Council 82 story (to be determined) in the July or August issue of the Public Employee. The purpose of this story will be to accentuate the positive efforts that Council 82 is undertaking on behalf of its members.

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

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

SF:dbw

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

in the public service

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

WALLKILL CORRECTIONAL FACILITY

INTER-DEPARTMENTAL COMMUNICATION

FROM: Robert Vosper, Ex. Bd. Member
Council 82

DATE: 5-10-84

TO: Frank Benedetto, Project Staff

SUBJECT: TUFCO.

This is to inform you that on this date Correction officer William West, was observed by myself distributing TUFCO materials, at this facility. Officer West was on the clock at the time. Also he has approached the facility administration to have permission to place a TUFCO bulletin Board, in the facility.

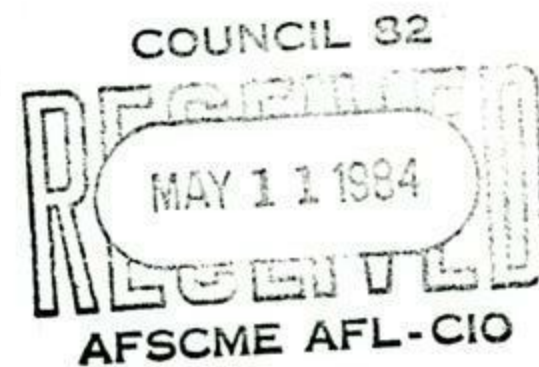
As a member of Local 613 & Council 82, it would seem that these activities place Brother West in direct violation of AFSCME'S constitution.

As a member of this organization I would like to see charges brought against Brother West for these activities.

FRATERNALLY,

Robert Vosper
Robert Vosper

371184 cc file
Original to
F. Benedetto



TUFECO

COUNCIL 82

RECEIVED
APR 26 1984

4/20/84 cc file
Original to L. Benedetto

THE POST-STAR

Home Newspaper of the Adirondack Region

GLENS FALLS, NEW YORK
Monday, April 16, 1984

School district, Federation agree on school purchase

By PAUL RAYNO
Correspondent

HUDSON FALLS — The United Federation of Correction Officers Inc. and the Hudson Falls School District have agreed on terms for the purchase of the Main Street School.

Reginald Cote, spokesman for the Federation, told the *The Post-Star* Sunday night that he signed a contract and put a deposit on the building Thursday while meeting with Board of Education representatives and Dr. John G. Zeis, school district superintendent. Cote said the closing could take place within 60 days, pending favorable action on a loan application by the employee organization. The

purchase price reportedly was \$50,000.

The group has a membership of more than 500 local security personnel employed by the state Department of Correction, mostly from Great Meadow and Mt. McGregor facilities. Plans for the building include an extensive health center, offices for the organization which will include its state headquarters and banquet facilities.

The Hudson Falls Central School District declared the Main Street School surplus after it moved the district headquarters last year summer to the Junior High School.

There will be a meeting of the Federation membership at 7:30 tonight in the Park House restaurant. Plans for the building will be detailed.



AFSCME®

1625 L Street, N.W., Washington, D.C. 20036
Telephone (202) 452-4800

To: John Burke/Steve Fantauzzo From: Phil Sparks Date 5/22/84

Re: International Assistance for Cn. 82 Communications Program Local No. _____

Per our meeting last week, and a meeting I had today with Vinnie O'Brien and Tom King, I wanted to summarize the assistance that the International is committed to giving Council 82 this Summer prior to the window period.

- a) John Funicello will be available to help on the writing and editing of the Council 82 newspaper as well as the various mailings we will do this Summer.
- b) The International will help write, edit, produce, print and mail three unit-wide pieces emphasizing Council 82 accomplishments and services, legislative victories and negotiating victories and a "strength in numbers brochure" noting the value of being part of AFSCME. In addition, we will work on several specialized mailings to predominantly black facilities, other safety offices, those with high seniority (Tier III reforms) and new Correction Officers (the trainee rate victory).
- c) We will hold-off a decision on the airing of radio ads for now because the TUFCA campaign has not developed yet. We would want to focus on issues as they unfold. Further, if a campaign does unfold, it would probably be more effective to air our ads later in the Summer. We will reassess our position in July or August as the campaign progresses.
- d) We will set a regular schedule of radio actuality feeds every two weeks, produced and fed to the 45 stations near the facilities, through the Summer as a way of increasing our public visibility.
- e) We will develop an organizing poster for Council 82.
- f) We will work to publicize any special legislative conferences or leadership meetings that Council 82 has this Summer.

PS:le

cc: Tom King
Vinnie O'Brien
John Funicello
Janet McMahon
Sabina Parks
Skip Prior



in the public service

AFSCO

June 7, 84

15 sthy

Here is the information you asked me for. If there is anything else you think might help, please let me know.

Mid Hudson
Local 2655

Steve Barber
Boelmber Rd
Sparrowbush N.Y.
12780

COUNCIL 82
RECEIVED
JUN 12 1984
AFSCME AFL-CIO

6/12/84 cc file
Original to K. McCormack

Types of Trips: Jan 1 84 thru May 21 84

	<u># of Trips</u>	<u>STAFF HOURS</u>
unscheduled Trips	19	46 1/2
Emergency Trips	35	213
Admissions to hosps	186	437 1/2
Discharges to civil hosp	42	403 3/4
off campus escorted Trip	1	5 1/4
Local Scheduled Trips	264	699

Totals 547 5739 3/4

Average of 5.4 Trips per day

" " 56.3 man hours per day

hosp coverage with inmates in full
a length of time

Valhalla hosp	4/1/84 - 5/22/84	1250 hrs
Horton hosp	" "	1320 hrs
TOTAL		2570 hrs

Steve Barber

5/27/84

Trips per day
- See yellow sheet

approx. # ^{pts.} assaults on Trips
- approx. 6 assaults or attempted
assaults per year on off
ground Trips ~~pts.~~ (approx. figure)

attempted escapes or escapes ^{on trips} off ~~pts.~~
- 1 escape & approx 6 attempted
escapes in ~~2~~⁴ year period

Escapes -
- eight escapes since 6/80
- 20 attempted escapes "
- approx. 2500 man hours - mostly
OT OT rate

Hosp. Coverage - man hours ^{off camps with} inmates in hosp!
* Valhalla 4/1/84 - 5/22/84 1250 hr
* Horton " " 1320 hr

Types Pts. & charges
- see yellow sheet

Types & Charges

Types -

330.20	146	PTS	38%	
730.50	162	"	42%	
730.40	42	"	11%	
933 & 927(2pc)	36	"	9%	(no charges)

Charges

Murder 1	15
" 2	81
ATL " 1	4
" " 2	29
Manslaughter	12
Rape	20
Sodomy	9
Sex abuse	5
Assault 1	21
" 2 & 3	40
Crim. Pos. Weapon	10
Arson	27
Robbery 1, 2 & 3	35
Burglarly 1, 2 & 3	25
Grand Larceny	4
Crim. Sale Cont. Subs.	2
" Pos. Stolen prop	2
Endang. Welfare child	1
Harassment	1
Reckless Endang.	4
Fugitive from Justice	2

note: Most of PTS. have
multiple charges. ONLY
ONE most serious charge
for each pt. is counted
in this survey.

*Kath
This might help!*

*~~Bledg Senior~~
~~3-11~~
~~Blag.~~*

Mid-Hudson Psychiatric Center

INCIDENT REPORT

February, 1984

MONTH 1983	Incident Rate	Incidents	# of Pts. Injured	% of Incident Involved Pts. Sustaining Inj.	Swellings Bruises & Superficial Lacerations
Feb. '83	16	169	43	23%	38
Mar.	13	149	26	16%	25
Apr.	11	123	32	24%	25
May	14	156	29	17%	15
June	13	142	39	25%	23
July	11	128	28	20%	15
Aug.	13	148	50	31%	20
Sept.	12	134	33	22%	18
Oct.	11	114	29	23%	17
Nov.	10	109	32	27%	18
Dec.	10	113	30	24%	18
Jan. '84	10	115	30	25%	14
Feb.	10	121	41	30%	29

	Average Population	%	February Incidents	Incident Rate	# of Pts. Injured*	%	% of Incident Involved Pts. Sustaining Inj.
HOSP. Bld.	386	100	121	100	41	100	30
2	65	17	24	20	5	12	21
3	143	37	44	36	19	46	36
4	147	38	42	35	13	32	28
5	13	3	11	9	4	10	36
8	18	5	0	-	0	-	0

*Includes Repeaters

*Includes repeaters

Classification (Section 24) February, 1984

Assault	Fight	Accident	Self-Abuse	Suicide Attempts	Other
---------	-------	----------	------------	------------------	-------

21	1	-	-	2	-	2
22	2	-	-	5	-	5
23	1	-	-	-	-	-
24	5	-	-	-	-	1
Unit #2	9	-	-	7	-	8
31	2	1	-	3	-	2
32	3	-	1	-	-	4
33	4	-	-	-	-	5
34	1	-	-	-	-	2
35	7	1	1	1	-	5
36	8	-	-	-	-	2
Unit #3	25	2	2	4	-	20
41	-	-	-	-	-	4
42	-	-	-	-	-	1
43	4	3	-	-	-	4
44	4	4	-	-	-	2
45	3	-	-	-	-	10
46	3	-	-	-	-	5
Unit 4	14	7	-	-	-	26
51	-	-	-	1	1	-
52	3	-	-	6	-	1
Unit #5	3	-	-	7	1	1
81	-	-	-	-	-	-
HOSP. TOTAL	51	9	2	18	1	55

February, 1984

	<u>Assault</u>	<u>Fight</u>	<u>Self-Abuse</u>	<u>Other</u>	<u>11-7</u>
February, '84	51	9	18	55	4
January, '84	32	8	12	63	10
December, '83	50	17	7	49	4
November, '83	50	8	5	50	1
October, '83	51	11	5	53	-
September, '83	63	14	10	47	8
August, '83	60	14	11	61	4
July, '83	60	19	15	45	6
June, '83	61	17	13	58	4
May, '83	66	14	17	78	9
April, '83	46	20	9	55	4
March, '83	59	15	7	78	?
February, '83	71	20	8	57	?
January, '83	71	9	14	75	?



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

2/1/84
June 5, 1984

Deputy Superintendent George Frees
c/o Long Island Correctional Facility
Brentwood, New York 11717

Dear Deputy Superintendent Frees:

This letter is to confirm our conversation on June 1, 1984 in reference to illegal soliciting of Council 82 members by T.U.F.C.O. I brought to your attention that on the morning of May 23, 1984 Marion Dantzler (a T.U.F.C.O. board member) went into the training classroom with 16 O.J.T. correction officers present. He distributed T.U.F.C.O. challenge cards and solicited the officers to sign the cards. All officers, including Mr. Dantzler, were on duty at the time.

Mr. Dantzler's actions were both unethical and in violation of the Employee Relations Manual, page 12.3, section 6. With this I am requesting that you investigate this matter and let me know what action you took to correct it.

Sincerely,

Larry Germano
Council 82 Field
Representative

LG/dmf

cc: John W. Burke, Executive Director



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

June 5, 1984

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Larry Germano
Council 82 Field
Representative

LG/dmf

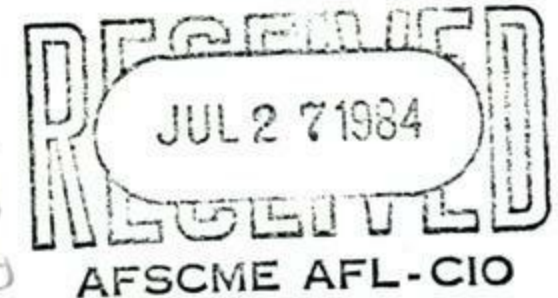
cc: John W. Burke, Executive Director



UNITED STATES POST OFFICE
ELMIRA, NY 14901

July 17, 1984

COUNCIL 82



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

NFCO

TO: Jack Burke
FROM: Chris Gardner
DATE: September 5, 1984
RE: Validation of Signatures on Challenge Cards

In response to your request I have prepared a memorandum concerning PERB's policies concerning validation of authorization cards and our right as a Union to force them to validate these signatures.

I.) PEF - CSEA

The premier case concerning the validation of signatures involves the PEF - CSEA fight. Since this case reached the Court of Appeals, it is the most authoritative case law on the subject.

In order to understand the Court of Appeals case, however, it is essential to review the Appellate Division determination as well, and the underlying facts.

In compliance with PERB rules, in August, 1979, PEF filed a representation petition with PERB, accompanied with a 30% showing of interest on signature cards and/or petitions.

On October 4, 1977, the Assistant Director of Public Employment Practices and Representation determined that PEF had made the necessary showing for an election.

On October 7, 1977, CSEA formally requested that PERB conduct a signature comparison to determine whether PEF had actually established a 30% showing of interest.

On October 26, 1977, the Director of Public Employment Practices and Representation determined that the petition was timely and ordered an election in the PS&T unit. The attempt to gain judicial review prior to the election was dismissed by the Supreme Court pursuant to 213(b) of the Civil Service Law which precludes judicial review of PERB orders during certification proceedings until PERB finally issued a certification order.

The election was held in April, 1978 and PEF won with a vote of 15,062 to 12,259 for CSEA.

CSEA filed objections to the election and a hearing officer held a hearing on these objections. Both the hearing officer and PERB upheld the election, whereupon PERB certified PEF as the bargaining agent.

One of the three issues presented to the courts was the alleged deficiency in the 30% showing of interest.

Prior to the election CSEA repeatedly urged that the Director take a random sampling of the signature cards on the showing of interest and have their signatures checked against known signatures of the employees in order to determine their authenticity. According to the Court, "This method would have required the checking of only 450 signatures and would have determined the total number of signatures within a 5% margin if ever. Quick, simple, and inexpensive, this method would have resolved any lingering doubts as to the validity of the showing of interest."

The method which PERB actually employed to authenticate signatures was bizzare:

"The Director engaged a handwriting expert who was given examples of four people involved in the PEF campaign. After reviewing approximately 1,000 signatures in the showing of interest, which were not randomly selected, the expert concluded that there was no evidence of common authorship in the showing of interest. Having made the decision to investigate the question of forgery, the Director was bound to proceed in a manner reasonably related to the result sought to be achieved. He did not do so. The method used by the Director's handwriting expert merely disproved a particular method of forgery rather than the presence of forgery.

Accordingly, the Appellate Division annulled PERB's determination and remitted the matter to PERB for further hearings into the authenticity of the signatures.

However, the Court of Appeals reversed the Appellate Division and ordered the certification of PERB to be reinstated, based upon the dissent of A. Franklin Mahoney. The Court added:

"In addition we would note that the method selected by the Director of PERB was reasonably designed to detect the only type of forgery which was alleged to have occurred in this case and no alternative method was proposed until after the selection of the method employed and the results were known."

II.) Other Relevant Cases

It is well-established that certification petition of Union which submitted fraudulent showing of interest cards should be dismissed. Town of Babylon,⁶ PERB Par. 4024.

Nevertheless, it is also well-established that a Director's decision as to the numerical sufficiency of a showing of interest is not subject to board review. Yonkers v. Bd. of Educ., 10 PERB Par. 3100 See also State of New York, 15 PERB Par. 3014.

In a case involving Council 82, PERB held that claimed misrepresentation that employees signing a petition were advised that the

instrument was merely petition "to eliminate overtime" was not a sufficient basis for vitiating the showing of interest. Even if the alleged statement was made, it was not such as to distract or direct signer from words on written form which indicated that signers were designating petitioning Union as their exclusive representative. Erie County Sheriff, 13 PERB Par. 4060.

Thus, the suggestion that verbal statements made to card signers that it was to get a Union just for correction officers, would not be sufficient to knock TUFCO off the ballot, since that would not be enough to "distract or direct signer" from the written words on the form.

In New York City Transit Authority, 15 PERB Par. 3037, PERB held that a Union's certification without an election as representative of a unit of transit authority employees on basis of its evidence of majority support was improperly granted since post-certification data raised question of authenticity of designation cards upon which determination of Union's majority support was based. Certification was revoked and an election was ordered.

III.) Possible Course of Action

In order to get PERB to take a look at the authenticity of the cards, I suggest two specific courses of action.

First, based on the PEF - CSEA fight, it is important that we uncover some fraud. Since we cannot look at the cards, I suggest we mail out to each bargaining unit member a card stating that they have not signed a TUFCO authorization and, which the member would be affirmed under penalty of perjury. At the same time, we would ask each local president to get these cards signed at their facilities and return them to Council 82. Local President's would mail these back in bulk. Individuals could mail these cards back with postage paid by Council 82.

Under New York City Transit Authority, 15 PERB 3037, a sufficient number of cards so signed could raise an issue of fact, as to the authenticity of the TUFCO cards.

Second, we should request as soon as possible, that PERB authenticate all signatures on a random sampling of cards versus a known signature of the employee. We should also submit a list of TUFCO organizers who we believe have forged cards and request that PERB authenticate all signatures on a random sampling of cards versus the signatures of suspected TUFCO forgers. We should, at the same time, submit some evidence of fraud.

At that point, we could also submit a list of people who claimed to not have signed cards and submit their signatures on cards which state that they have not signed cards.

We cannot force PERB to authenticate the cards, but if we are able to help them put together a case of possible fraud, then

they may take some action. Even if we don't knock TUFCO off the ballot, it should be an effective organizing tool.

S A M P L E A F F I R M A T I O N

I, _____, affirm under penalty of perjury that I am a member of the Security Services Unit and that I have never signed a card or any other document authorizing the Union of Federated Correction Officers to act as my bargaining representative.

NAME

FACILITY

DATE

LOCAL

rangements for the division of professional income in circumstances where such a practice might threaten or impair the discharge of professional responsibility to clients. There is nothing of that here. In the arbitration, as would have been the case in a judicial proceeding, a computation of damages has been made. It is not invalidated because it was predicated on the parties' own prior division of client revenue or the circumstance of the precise arithmetic parallel thereto.

We have considered the other contentions advanced by respondent for denial of the motion to confirm the award and find them to be without merit.

COOKE, C. J., and JASEN, GABRIELLI, JONES, WACHTLER and FUCHSBERG, JJ., concur.

Order reversed, with costs, and the judgment of Supreme Court, New York County, reinstated in a memorandum.



389 N.E.2d 833

46 N.Y.2d 1005

11005 1In the Matter of the CIVIL SERVICE EMPLOYEES ASSOCIATION, INC., Respondent-Appellant,

v.

Harold NEWMAN et al., Constituting the Public Employment Relations Board, et al., Appellants-Respondents,

and

James B. Northrop, as Acting Director of the Governor's Office of Employee Relations of the State of New York, et al., Respondents.

Court of Appeals of New York.

March 27, 1979.

Appeal was taken by union from a judgment of the Supreme Court, Special

Term, Albany County, Con G. Cholakis, J., dismissing application of union for an order declaring determination of the Public Employment Relations Board null and void and 78 petition was initiated by union to review determination of board certifying a rival union as exclusive bargaining agent for civil service employees. The Supreme Court, Appellate Division, T. Paul Kane, J., 66 A.D.2d 38, 412 N.Y.S.2d 432, affirmed the judgment of the Special Term and annulled the determination of the Board, and appeal was taken to the Court of Appeals. That court held that Public Employment Relations Board properly certified the public employees federation as the exclusive representative of state employees in the professional, scientific and technical services unit notwithstanding charge that the election, at which the federation was chosen as the employees' representative, was tainted by forgery.

Order of Appellate Division modified and as modified affirmed.

Labor Relations ⇌ 214

Public Employment Relations Board properly certified the public employees federation as the exclusive representative of state employees in the professional, scientific and technical services unit notwithstanding charge that the election, at which the federation was chosen as the employees' representative, was tainted by forgery.

11007 1James W. Roemer, Jr., Marjorie E. Karowe, Richard L. Burstein, Michael J. Smith, Albany, and William M. Wallens, Guilderland, for respondent-appellant.

Martin L. Barr, Jerome Thier, Anthony Cagliostro and Richard A. Curreri, Albany, for Public Employment Relations Board, appellant-respondent.

James R. Sandner, Jeffrey S. Karp, David N. Stein, New York City, and Susan Bloom Jones for Public Employees Federation, New York City, appellant-respondent.

Robert Abrams, Atty. Gen. (Michael F. Colligan and Shirley Adelson Siegel, Asst. Attys. Gen., of counsel), for respondents.

order of the Appellate Division should be affirmed.

Accordingly, the order of the Appellate Division should be modified, with costs to PERB and PEF against CSEA, to the extent of reinstating the determination of PERB and, as so modified, affirmed.

COOKE, C. J., and JASEN, GABRIELLI, JONES, WACHTLER and FUCHSBERG, JJ., concur in *Per Curiam* opinion.

Order modified, with costs to PEF and PERB against CSEA, 11009 in accordance with the opinion herein and, as so modified, affirmed.



389 N.E.2d 834

46 N.Y.2d 1011

11011 The PEOPLE of the State of New York, Respondent,

v.

Carlos GONZALEZ, Appellant.

Court of Appeals of New York.

March 27, 1979.

Defendant was convicted in Supreme Court, Bronx County, Stanley S. Ostrau, J., of first-degree robbery, and the Supreme Court, Appellate Division, First Department, 61 A.D.2d 666, 403 N.Y.S.2d 514, affirmed. The Court of Appeals held that the circumstances surrounding an accidental viewing of defendant by a robbery victim were not unnecessarily suggestive, and that a policeman was properly permitted to testify that the victim identified defendant during such confrontation.

Affirmed.

11008 OPINION OF THE COURT

PER CURIAM.

In this article 78 proceeding the Civil Service Employees Association (CSEA) challenges an order of the Public Employment Relations Board (PERB) which certified the Public Employees Federation (PEF) as the exclusive representative of State employees in the professional, scientific and technical services unit. With respect to most of the issues, the Appellate Division accepted PERB's determination that the objections raised by CSEA lacked merit. However a majority at the Appellate Division disapproved the method employed by the director of PERB for resolving and rejecting CSEA's claim that the election, at which PEF was chosen as the employees representative, was tainted by forgery. Thus the Appellate Division annulled PERB's determination and remitted for the limited purpose of conducting further proceedings on the forgery complaint. PERB and both unions have appealed from that determination.

The order of the Appellate Division should be modified and PERB's determination reinstated for the reasons stated in the opinion of Presiding Justice A. Franklin Mahoney at the Appellate Division. In addition we would note that the method selected by the director of PERB was reasonably designed to detect the only type of forgery which was alleged to have occurred in this case and no alternative method was proposed until after the selection of the method employed and the results were known. Thus in our view there is no basis whatsoever for concluding that the director acted arbitrarily and capriciously in choosing this method for resolving the forgery claim.

The other issues, raised by CSEA on the cross appeal, were properly resolved by the Appellate Division, and to that extent, the

The contents of these two reports were not made known to defense counsel or included anywhere in the record. The trial court should have taken testimony or stated for the record, outside the jury's presence, its reasons for taking unusual visible security measures before a jury (*People v. Mendola*, 2 N.Y.2d 270, 277, 159 N.Y.S.2d 473, 478, 140 N.E.2d 353, 356). This error may be cured by a post-trial hearing wherein the contents of the reports upon which the trial court based its rulings may become known. In this way, it can be determined whether there has been an abuse of discretion (*People v. Mendola*, *supra*, pp. 276, 277, 159 N.Y.S.2d pp. 477, 478, 140 N.E.2d pp. 356, 357; *People v. Reingold*, 44 A.D.2d 191, 197, 353 N.Y.S.2d 978, 985; *People v. Williams*, 36 A.D.2d 1018, 321 N.Y.S.2d 463).

The matter must be remitted to the trial court for a hearing as to the necessity of handcuffing defendant during the trial.

Decision withheld, and matter remitted to the Columbia County Court for proceedings not inconsistent herewith.



66 A.D.2d 38

In the Matter of The CIVIL SERVICE
EMPLOYEES ASSOCIATION, INC., et
al., Appellants,

v.

Harvey MILOWE et al., Respondents.
(Proceeding No. 1.)

In the Matter of The CIVIL SERVICE
EMPLOYEES ASSOCIATION,
INC., Petitioner,

v.

Harold NEWMAN et al., Constituting the
Public Employment Relations Board, et
al., Respondents. (Proceeding No. 2.)

Supreme Court, Appellate Division,
Third Department.

Jan. 11, 1979.

Appeal was taken by union from a
judgment of the Supreme Court, Special

Term, Albany County, Con G. Cholakis, J., dismissing application of union for an order declaring a determination of the Public Employment Relations Board null and void and an Article 78 petition was initiated by union to review determination of Board certifying a rival union as exclusive bargaining agent for civil service employees. The Supreme Court, Appellate Division, Kane, J., held that: (1) sufficiency of showing by rival union of an interest in representation by civil service employees in bargaining unit already in existence was not a jurisdictional prerequisite to obtaining a representative election, and (2) director of public employment practices and representation did not proceed in a manner reasonably related to results sought to be achieved and, as such, acted arbitrarily and capriciously in investigating question of forgery with respect to showing of interest by rival union of at least 30% of civil service employees in bargaining unit where method used by handwriting expert merely disproved a particular method of forgery rather than presence of forgery.

Judgment of Special Term affirmed, and determination of Board annulled.

Mahoney, P. J., concurred in part and dissented in part and filed opinion.

Affirmed as modified, 46 N.Y.2d 1005, 416 N.Y.S.2d 238, 389 N.E.2d 833.

1. Statutes ⇐ 219(1)

Construction given a statute by agency responsible for its administration should not be lightly set aside and should be upheld if not irrational or unreasonable.

2. Labor Relations ⇐ 261

Premature extension of bargaining agreement between state and union representing civil service employees did not extend period of unchallenged status beyond that which resulted from duration of original agreement and, hence, certification petition filed by rival union subsequent to duration of original agreement was not untimely. Civil Service Law § 208, subs. 2, 2(b), c).

3. Labor Relations ⇐214

It was not unreasonable for Public Employment Relations Board to accept as reasonable the decision of Industrial Commissioner holding that employee who was charged by union with favoritism because he was retained on state payroll while he devoted his energies to a rival union would not be subjected to discipline at that time because such discipline was inappropriate during a contested election campaign by both unions for representation of civil service employees. Civil Service Law § 208, subs. 2, 2(b, c).

4. Labor Relations ⇐210

Sufficiency of showing by rival union of an interest in representation by civil service employees in bargaining unit already in existence was not a jurisdictional prerequisite to obtaining a representative election. Civil Service Law § 208, subs. 2, 2(b, c).

5. Labor Relations ⇐223

Union representing civil service employees did not have a constitutionally protected interest in continuing as exclusive bargaining agent for those employees when there was a showing by a rival union of an interest of at least 30% of employees in unit. Civil Service Law §§ 202, 203, 208, 213(b).

6. Officers ⇐61

Provision of Civil Service Law prohibiting judicial review of any orders made by Public Employment Relations Board or its agents until order of certification is made is not unconstitutional. Civil Service Law § 213(b).

7. Labor Relations ⇐214

Director of public employment practices and representation did not proceed in a manner reasonably related to results sought to be achieved and, as such, acted arbitrarily and capriciously in investigating question of forgery with respect to showing of interest by rival union of at least 30% of civil service employees in bargaining unit where method used by handwriting expert merely disproved a particular method of forgery rather than presence of forgery. Civil Service Law §§ 202, 203, 208, 213(b).

8. Labor Relations ⇐215

Certification election was not in itself sufficient to cure any defects appearing by reason of fraud in showing of interest by rival union of at least 30% of civil service employees in bargaining unit. Civil Service Law §§ 202, 203, 208, 213(b).

9. Labor Relations ⇐214

That rival union was created for purpose of supplanting union representing civil service employees was not a fact which was inconsistent with its primary purpose of improving terms and conditions of employment for public employees and, hence, was not a basis for denying rival union status as an "employee organization." Civil Service Law § 201, subd. 5, 213.

See publication Words and Phrases for other judicial constructions and definitions.

10. Labor Relations ⇐214

Finding of Public Employment Relations Board that rival union's current membership was not controlling on issue whether rival union was entitled to status as an "employee organization" because a substantial number of civil service employees had indicated a desire to become members of rival union was reasonable and supported a more liberal construction of term "employee organization" appearing in Civil Service Law. Civil Service Law §§ 201, subd. 5, 213.

Roemer & Featherstonhaugh, Albany (James W. Roemer, Jr., Albany, of counsel), for petitioners-appellants.

Martin L. Barr, Albany, for Harold Newman and others, respondents.

James R. Sandner, New York City, for Public Employees Federation, respondent.

Louis J. Lefkowitz, Atty. Gen. (Michael F. Colligan and William J. Kogan, Albany, of counsel), for James B. Northrop and another, respondents.

Before MAHONEY, P. J., and GREEN-BLOTT, SWEENEY, KANE and STALEY, JJ.

KANE, Justice.

On August 31, 1977, Public Employees Federation (PEF) filed a petition for decertification of CSEA as the exclusive bargaining representative for the Professional, Scientific and Technical Services Unit (PS&T unit) and certification of PEF as its bargaining agent. In order to file such a petition, PERB required that the petition be supported by a showing of interest of at least 30% of the employees in the unit already in existence (4 NYCRR 201.3[e]). In compliance therewith, PEF filed signature cards and/or petitions allegedly representing a 30% showing of interest. On October 4, 1977, the assistant director of Public Employment Practices and Representation determined that PEF had made the necessary showing. On October 7, 1977, CSEA formally requested that PERB conduct a signature comparison to determine whether PEF had actually established a 30% showing of interest. This request was denied.

On October 26, 1977, the director of Public Employment Practices and Representation (director) determined that the petition which had been filed by PEF was timely and ordered an election in the PS&T unit. In January of 1978, CSEA sought to stop this election by seeking actual authentication of the signatures comprising the showing of interest. This attempt to gain judicial review was dismissed by Special Term pursuant to section 213 (subd. [b]) of the Civil Service Law.¹ The election, conducted by CSEA, was held in April of 1978. PEF won with a vote of 15,062 to CSEA's 12,259.

CSEA promptly filed objections to the election. During the post-election hearing, hearsay evidence of forgery in the showing of interest was elicited. CSEA, therefore, joined complaints of fraud and forgery to its earlier attack on the sufficiency of the showing of interest. After a protracted hearing which resulted in a voluminous record that included the receipt in evidence of numerous exhibits, the director, by decision dated July 20, 1978, overruled all objections

1. Section 213 (subd. [b]) of the Civil Service Law, when read in conjunction with section 207 of the Civil Service Law, precludes judicial

filed by CSEA. This decision was affirmed by PERB on September 27, 1978, and it concurrently certified PEF as the representative of the PS&T unit. Certification of PEF as the representative of the PS&T unit has been stayed pending this proceeding and dues deductions are being held in escrow during this period. Consolidated with this appeal are CSEA's challenges to both the ruling of Special Term, which dismissed its petition in March, and the September order of PERB certifying PEF as the representative of the PS&T unit. The issues raised fall into three broad categories: (1) defects in the showing of interest, (2) favoritism on the part of the State towards PEF, and (3) the ineligibility of any union to have challenged CSEA's representation of the PS&T unit at the time PEF filed its certification petition (timeliness of the petition). Considering these issues in their inverse order, we address ourselves first to the effect of subdivision 2 of section 208 of the Civil Service Law on the timeliness of PEF's petition under the facts presented.

CSEA entered into a contract with the State on behalf of the PS&T unit for the period April 1, 1973 through March 31, 1976. The same parties subsequently entered into a new contract for a term beginning April 1, 1976 and ending March 31, 1978. On June 3, 1977, the parties executed a new two-year agreement to cover from April 1, 1977 to March 31, 1979. At issue is the effect of subdivision 2 of section 208 of the Civil Service Law when a two-year contract is revised in its second year so that the agreement will continue in existence for a third year.

Subdivision 2 of section 208 of the Civil Service Law states:

An employee organization certified or recognized . . . shall be entitled to unchallenged representation status until seven months prior to the expiration of a written agreement between the public employer and said employee organization

review of PERB orders during certification proceedings until PERB finally issues a certification order.

determining terms and conditions of employment. For the purposes of this subdivision, (a) any such agreement for a term covering other than the fiscal year of the public employer shall be deemed to expire with the fiscal year ending immediately prior to the termination date of such agreement, (b) any such agreement having a term in excess of three years shall be treated as an agreement for a term of three years and (c) extensions of any such agreement shall not extend the period of unchallenged representation status.

CSEA submits that the correct interpretation of this subdivision requires that the total three-year period from April 1, 1976 through March 31, 1979 constitutes the measuring period for determining the length of unchallenged representation status provided for in the statute. Therefore, the protected status should continue until seven months prior to the expiration of the third year covered by contract, i. e., until August 31, 1978. This construction would make the instant PEF petition filed on August 31, 1977, untimely and require an annulment of PERB's certification of PEF as the representative of the PS&T unit.

It is CSEA's argument, in which the State joins, that paragraphs (b) and (c) of subdivision 2 of section 208 of the Civil Service Law must be read together. The bar to continuing exclusive representation status would, therefore, be applicable only when a contract extension exceeded the three-year limit.

PERB, on the other hand, characterizes this interpretation of the statute as "strained and contrary to the clear policy of the law." It has, in effect, adopted the position of the National Labor Relations Board (NLRB) on similar questions in the private sector wherein it has held that a premature extension of an employment agreement does not extend the period of unchallenged status beyond that which resulted from the duration of the original contract (*Deluxe Metal Furniture Co.*, 42 LRRM 1470).

[1, 2] While the intent behind subdivision 2 of section 208 of the Civil Service Law is unclear and both sides present what may be considered reasonable interpretations thereof, we adhere to the basic rules that the construction given a statute by the agency responsible for its administration should not be lightly set aside (*Matter of Ward v. Nyquist*, 43 N.Y.2d 57, 400 N.Y.S.2d 757, 371 N.E.2d 477; *Matter of Lezette v. Board of Educ.*, 35 N.Y.2d 272, 360 N.Y.S.2d 869, 319 N.E.2d 189), and should be upheld if not irrational or unreasonable (*Matter of Howard v. Wyman*, 28 N.Y.2d 434, 322 N.Y.S.2d 683, 271 N.E.2d 528; *Matter of Elmsford Transp. Corp. v. Schuler*, 63 A.D.2d 1036, 405 N.Y.S.2d 792). Accordingly, we sustain PERB's finding that the petition was timely filed.

[3] The charge of favoritism on the part of the State towards PEF is founded upon the prolonged retention on the State payroll of one John Kraemer as a "no-show employee". For at least six years prior to March 30, 1976, this individual enjoyed a special status at the Department of Labor whereby he devoted his energies to union affairs on behalf of Service Employees International Union (SEIU) and later PEF while being paid by the State. Efforts to cure this impropriety were met with unfulfilled promises or open defiance until March 30, 1976 when steps were taken to eliminate the special treatment being given to Kraemer, then a prominent PEF official. Thereafter, he used accumulated leave credit to pursue his "other interests", but when the available credit was exhausted he still remained among the missing. As a result, his salary was withheld and he received an unsatisfactory work performance rating for the year 1977. At the time of this proceeding, his employee status was unsettled. However, it is clear that disciplinary measures have not been instituted by the Industrial Commissioner because, as he explained at the director's hearing, he felt the disciplining of a prominent PEF official would be inappropriate during a contested election campaign. PERB accepted this decision of the Industrial Commissioner as a reasonable one under all the circumstances, and while

we do not pass upon the wisdom of this choice, we cannot say it was unreasonable.

While the record contains hundreds of pages of testimony relative to the status and activities of Kraemer and his various confrontations with his superiors, the director excluded from consideration all activities prior to August 31, 1977, the date on which PEF filed its certification petition. PERB has adopted this position and in our view it is a sound one. Otherwise, investigations of election interference could become history lessons. Moreover, we conclude that there is substantial evidence to support PERB's finding that CSEA has failed to establish any impact on the election arising from the conduct of State officials during the campaign, and John Kraemer in particular. We recognize that his mere presence on the scene coupled with the notoriety of his high-level connections could influence others, but this alone is not enough to overturn the results of an election. However, this pattern of shameless conduct over a period of years strikes at the very heart of the governmental process and mandates close scrutiny by the appropriate prosecutorial authority. We note that the record contains a copy of a letter, dated May 23, 1978, from the District Attorney of Albany County to the counsel for CSEA requesting any information concerning these matters. Accordingly, we direct that the original record herein be made available to the office of the District Attorney of Albany County for his examination and such action as he may deem appropriate.

[4] In determining the alleged defects in the showing of interest, we are called upon to examine a multitude of particularized charges both substantive and procedural in nature. Some of these objections to PERB's determination that PEF's showing of interest was sufficient raise troublesome questions. At the threshold is CSEA's contention that the 30% showing of interest requirement under PERB's rule (4 NYCRR 201.3) is a jurisdictional prerequisite to obtaining a representative election. In rejecting this argument, PERB relied upon its own rule that the director's determination

as to the timeliness and numerical sufficiency of a showing of interest is a ministerial act not reviewable by the board itself (4 NYCRR 201.4[c]). Again, PERB has adopted the reasoning of the NLRB, which has held that the sufficiency of a showing of interest in the private sector is not a jurisdictional prerequisite to the election (*NLRB v. Louisville Chair*, 6 Cir., 385 F.2d 922, 926). The process is one of administrative convenience and we reject CSEA's contention on this issue.

[5, 6] We also reject CSEA's constitutional argument that it has a constitutionally protected interest in continuing as the exclusive bargaining agent for the PS&T unit. The right to organize and bargain collectively belongs to the public employees (Civil Service Law, §§ 202, 203). The union's rights are limited to those specified under section 208 of the Civil Service Law which does not create a property interest of constitutional dimensions (cf. *Board of Regents of State Colleges v. Roth*, 408 U.S. 564, 92 S.Ct. 2701, 33 L.Ed.2d 548). CSEA also challenges the constitutionality of subdivision (b) of section 213 of the Civil Service Law which prohibits judicial review of any orders made by PERB or its agents until the order of certification is made. While delay in judicial review may create undue burdens upon a party, the wisdom of withholding review of questions which may be mooted by an election has been recognized in this State (see *New York Public Interest Research Group v. Carey*, 42 N.Y.2d 527, 399 N.Y.S.2d 621, 369 N.E.2d 1155; *Matter of McCabe v. Voorhis*, 243 N.Y. 401, 153 N.E. 849). Since there is a reasonable basis for this provision, its constitutionality must be sustained.

Of greater substance are the issues raised by CSEA's claim of substantial forgeries in PEF's showing of interest and PERB's dismissal of the claim of forgery for lack of evidence. The issue was raised preliminarily, but CSEA's request for investigation by PERB was denied¹ for matters of policy. However, at the post-election hearing CSEA presented testimony from a former member of New York State United Teach-

ers (NYSUT) and co-editor of PEF's campaign publications that he was told the showing of interest contained some 5,000 forged names and another 5,000 names from outside the PS&T unit. The sources of this information were revealed and their testimony was made part of the record. The evidence presented was either hearsay or direct denial of any wrongdoing or knowledge thereof. It was established, however, that PEF's showing of interest did include 5,000 names from outside the PS&T unit, but these names were not counted in arriving at the 30% requirement.

[7] While the "bandwagon" effect of these additional names is questioned by CSEA, it was the claim of forgery that created enough uncertainty in the mind of the director to cause him to conduct his own investigation of the serious charges made (4 NYCRR 201.4[e]). In his report the director had stated that "at this point in my investigation there is now sufficient objective and circumstantial evidence to warrant going forward, and I have done so in a manner which preserves the confidentiality of the showing of interest." It is the manner in which that investigation was conducted that arouses a certain uneasiness in reviewing PERB's ultimate determination that the election represented a genuine expression of the free choice of the voters. The director engaged a handwriting expert who was given exemplars of four people involved in the PEF campaign. After reviewing approximately 1,000 signatures in the showing of interest, which were not randomly selected, the expert concluded that there was no evidence of common authorship in the showing of interest. Having made the decision to investigate the question of forgery, the director was bound to proceed in a manner reasonably related to the result sought to be achieved. He did not do so. The method used by the director's handwriting expert merely disproved a particular *method* of forgery rather than the *presence* of forgery.

[8] CSEA had repeatedly urged that the director take a random sampling of the signature cards in the showing of interest

and have those signatures checked against known signatures of the employees in order to determine their authenticity. This method would have required the checking of only 450 signatures and would have determined the total number of forgeries in the showing of interest within a 5% margin of error. Quick, simple and inexpensive, this method would have resolved any lingering doubts as to the validity of PEF's showing of interest. The record fails to disclose any reason for the rejection of this seemingly foolproof method of deciding an issue critical to the resolution of the ultimate question presented. Accordingly, we find there is presented for our determination more than a mere review of the choice of the methods selected by the administrative agency (see Civil Service Law, § 213; *Matter of Town of Clay v. Helsby*, 51 A.D.2d 200, 204-205, 379 N.Y.S.2d 896, 898-899). When the method available is measured against the one selected, the action taken lacked a reasonable basis upon which to determine the presence of forged signatures. Thus it was arbitrary and capricious. Moreover, we further reject PERB's argument, in which PEF has joined, that the election itself has cured any defects in the showing of interest. This argument is certainly not appropriate when the issue, as here, is the extent to which fraud has poisoned the electoral process. A substantial forgery would, of course, taint the election results and should not go unchallenged (cf. *Town of Babylon v. Local 100, Service Employees International Union, AFL-CIO*, 6 PERB, ¶ 3047, p. 3089).

[9, 10] Finally, we reach the issue of PEF's status as an "employee organization", which is defined as an organization of any kind having as its primary purpose the improvement of terms and conditions of employment for public employees (Civil Service Law, § 201, subd. 5). CSEA makes a strong argument that PEF does not meet this definition because it is not an organization at all since it has no membership, no employees, no bank accounts, no officers, nor any indicia of an organization. It further argues that PEF's only purpose is to supplant CSEA. While PERB has found

that PEF was created as a vehicle through which NYSUT and SEIU could jointly supplant CSEA as the representative of State employees, this is not inconsistent with its primary purpose of improving the terms and conditions of employment for public employees. PERB also found that since a substantial number of public employees indicated their desire to become members of PEF, current membership is not controlling. While this reasoning may seem circular, it is reasonable and supports a more liberal construction of the term "employee organization"; one that is preferred by PERB and followed by the NLRB in the private sector (*Indiana Metal Products Corp. v. NLRB*, 7 Cir., 202 F.2d 613). We, therefore, sustain PERB's finding on this issue.

Accordingly, and for the reasons stated, the judgment of Special Term should be affirmed, and the determination of PERB that the procedure used to determine the question of forgery in the showing of interest was reasonable and fairly conducted and that there was no reason to consider CSEA's objections to that procedure is annulled.

In Proceeding No. 1, the judgment should be affirmed, without costs.

In Proceeding No. 2, the determination should be annulled, without costs, and the matter remitted to the Public Employment Relations Board for further proceedings not inconsistent herewith and the stay of certification to be continued.

In Proceeding No. 1, judgment affirmed, without costs.

In Proceeding No. 2, determination annulled, without costs, and matter remitted to the Public Employment Relations Board for further proceedings not inconsistent herewith and the stay of certification to be continued.

GREENBLOTT, SWEENEY and STALEY, JJ., concur.

MAHONEY, P. J., concurs in part and dissents in part in an opinion.

* Actually, there were 5,000 non-unit signatures, but it is not contended that the number of unit

MAHONEY, Presiding Judge (concurring in part and dissenting in part).

Although I agree with my colleagues that the judgment in Proceeding No. 1 should be affirmed, I disagree with them that in Proceeding No. 2 a remittal to PERB is required "for further proceedings not inconsistent herewith", presumably, for PERB to employ the methodology proposed by the CSEA to detect if forgeries permeated the showing of interest by PEF to such a degree that the election result should be voided. Such a result, in my view, would usurp the significant role legislatively delegated to PERB (Civil Service Law, § 205) to resolve disputes concerning the representative status of employee organizations, to establish procedures for the prevention of improper employer and employee practices and to hold such hearings and make such inquiries as it deems necessary for it properly to carry out its functions and powers (Civil Service Law, § 205, subd. 5[b], [d] and [j]). In conducting the post-election hearing PERB afforded CSEA an opportunity to come forward with such proof as it had bearing on its allegation of substantial forgery. CSEA responded by calling as its witness Ned Hopkins, a former employee of PEF. Mr. Hopkins testified that one Ms. Fellner had told him that John Geagan, a co-director of the PEF campaign, had told her that Diane Dougherty, the SEIU employee in charge of compiling the showing of interest for PEF, was responsible for the forgeries. Ms. Fellner denied this and testified she had mentioned only that several thousand signatures from non-unit employees had been submitted in the showing of interest.* She also testified that she had not forged the signatures on any cards or knew of anyone who had done so. Both Geagan and Dougherty denied having any knowledge of forgeries and insisted they had not forged any signatures. The director credited the compounded hearsay testimony of Hopkins over that of Fellner, but found the testimony of Geagan and Dough-

signatures could not comprise the requisite 30% showing of interest.

Cite as 412 N.Y.S.2d 432

erty to be convincing. Clearly, these factual findings based upon credibility, a function solely within the competence of the fact-finder, fall far short of proving forgery. If the matter had concluded there and a proceeding was commenced to annul a determination confirming the election results, I think it only fair to conclude that a confirmance based on substantial evidence to support the determination would follow. However, the Director found "sufficient objective and circumstantial evidence to warrant going forward" and he did so (4 NYCRR 201.4, 201.9) by engaging a handwriting expert. The expert used exemplars of Dougherty, Geagan, Kraemer and Canny, all directly involved in obtaining the showing of interest cards of unit members, and compared the signatures thereon with approximately 1,000 showing of interest cards of unit members which contained one or more characters which appeared in the known writings of the four suspects and found no evidence of common authorship. Now, CSEA insists, and the majority agrees, there is a better method of detecting forgeries than that employed by the Director and the failure to use that method was an arbitrary and capricious act requiring annulment. I cannot agree.

Neither statutory law (Civil Service Law, § 200 *et seq.*), nor the State Constitution commands a hearing for the resolution of contested election results following a challenge by one representative unit against another. Paragraph [j] of subdivision 5 of section 205 of the Civil Service Law authorizes PERB "[t]o hold such hearings and make such inquiries as it deems necessary for it properly to carry out its functions and powers." (Emphasis added.) However, once PERB exercises this discretionary power and, pursuant to its own internal regulations, delegates the authority to hear, inquire and determine to its Director, it must proceed to develop a hearing record that lends itself to judicial scrutiny. Once the record is developed and the administrative determination challenged in court, the standard for judicial review is whether that result is supported by substantial evidence (cf. *Matter of Older v. Board of Educ.*, 27

N.Y.2d 333, 337, 318 N.Y.S.2d 129, 131, 266 N.E.2d 812, 815). It follows, therefore, that this court need only review PERB's dismissal of allegations of forgery for substantial evidence supporting the Board's determination (*300 Gramatan Avenue Associates v. State Division of Human Rights*, 45 N.Y.2d 176, 181-2, 408 N.Y.S.2d 54, 57, 379 N.E.2d 1183, 1186). Issues of credibility, as here, are for the administrative agency to decide and where there is substantial evidence, again as here, to support either of two opposing conclusions, the Board's determination must be upheld (*Matter of Collins v. Codd*, 38 N.Y.2d 269, 379 N.Y.S.2d 733, 342 N.E.2d 524; *Manhattan Scene, Inc. v. State Liq. Auth.*, 58 A.D.2d 1010, 397 N.Y.S.2d 495).

However, since the majority opinion does not state that the challenged result is *not* supported by substantial evidence, but, rather, that the selection of the method for testing forgeries was an arbitrary and capricious act lacking a reasonable basis, it is necessary to examine that act to determine if it drained the Board's conclusion of rationality to an extent requiring annulment (*Pell v. Board of Educ.*, 34 N.Y.2d 222, 356 N.Y.S.2d 833, 313 N.E.2d 321; *125 Bar Corp. v. State Liq. Auth.*, 24 N.Y.2d 174, 299 N.Y.S.2d 194, 247 N.E.2d 157; *Sag Harbor Union Free School Dist. v. Helsby*, 54 A.D.2d 391, 388 N.Y.S.2d 695). There was no direct proof of forgery, only compounded hearsay. Where evidence of forgery is entirely hearsay, as here, a finding of guilt is not based on substantial evidence (*Matter of Riverton Funeral Home v. Whalen*, 63 A.D.2d 887, 405 N.Y.S.2d 704). Next, the Director did investigate the authenticity of the signatures using the services of an expert whose credentials are not challenged. Where alternate methods of arriving at a common goal are proposed, failure of an administrative agency to select what most would consider to be the better method does not render that determination arbitrary as a matter of law. Where an administrator adopts one of several conflicting opinions, it is not the province of the court to substitute its judgment unless the agency's determina-

tion is unreasonable or without a basis in law (*Matter of Denise R. v. Levine*, 39 N.Y.2d 279, 283, 383 N.Y.S.2d 568, 570, 347 N.E.2d 893, 895; cf. *Matter of Talamo v. Murphy*, 38 N.Y.2d 637, 382 N.Y.S.2d 3, 345 N.E.2d 546; *Matter of Wilcox v. Stern*, 18 N.Y.2d 195, 203, 273 N.Y.S.2d 38, 42, 219 N.E.2d 401, 405).

Accordingly, in Proceeding No. 2, PERB's determination should be confirmed.



67 A.D.2d 759

Claim of Nick WALL, Respondent,

v.

PREMIUM TRANSPORT SERVICE
et al., Appellants,

and

Special Disability Fund, Respondent.

Workers' Compensation Board,
Respondent.

Supreme Court, Appellate Division,
Third Department.

Jan. 11, 1979.

Workers' Compensation Board decided that carrier had failed to prove that employer had a good faith belief of a previous permanent impairment, and thus that Special Disability Fund should be discharged from liability, and appeals were taken. The Supreme Court, Appellate Division, held that Board's decision was not supported by substantial evidence, since employer's testimony was clear and unequivocal, did not raise credibility questions, and provided necessary "factual basis" for employer's belief given fact that it was not necessary for employer to know "precise physical component" causing disability and employer did not have to have medical evidence or knowledge to point of medical certainty concerning permanency of impairment.

Reversed.

Sweeney, J., dissented and filed opinion.

1. Workers' Compensation ⇐ 1030.1(6)

Workers' Compensation Board's decision that carrier had failed to prove that employer had a good faith belief of a previous permanent impairment, and thus that Special Disability Fund should be discharged from liability, was not supported by substantial evidence, since employer's testimony that claimant informed him when he was first hired as a driver chauffeur that he had numerous falls as a jockey, that many bones in his body had been broken, that his health was not that good, and that he was not capable of lifting luggage and getting in and out of a vehicle and, as a result, employer permitted him to work as a security man and garage attendant, was clear and unequivocal, did not raise credibility questions, and provided necessary "factual basis" for employer's belief. Workers' Compensation Law § 15, subd. 8(a).

2. Workers' Compensation ⇐ 1030.1(2)

In workers' compensation case concerning whether carrier had failed to prove that employer had a good faith belief of a previous permanent impairment, which would have result that Special Disability Fund should be discharged from liability, it was unnecessary for employer to know "precise physical component" causing disability and employer did not have to have medical evidence or knowledge to point of medical certainty concerning permanency of impairment. Workers' Compensation Law § 15, subd. 8(a).

Philip J. Caputo, New York City, for appellants.

George Cholet, New York City (Patrick E. Harnedy, New York City, of counsel), for respondent Sp. Disability Fund.

Before MAHONEY, P. J., and GREEN-BLOTT, MAIN, MIKOLL and SWEENEY, JJ.

Western Region Meeting 9/5/84

RUFAO

Maloney - Host
Groveland - Mike Clark
Attendance - Attica, Collins, Groveland, Albion, Elmira
No Show - Aiden, Auburn
26 to 28 members

Motion made and passed by all present

Position Western Region - When PERB declares T.U.F.C.O. cards valid -
move for speedy elections - no delays

When and if elections are to take place, have a Local committee in
each facility, each member of the committee to have a list of mem-
bers to contact, making sure All Members Vote

Seniority - Time, in Title or 2 Titles. Demand in negotiations to
settle issue.

Division of Youth coming into the D.O.C.S. lateral transfers?
What is the status of these employees? Does the Council have a posi-
tion, or agree?

Council communication - When an incident happens at a Correction
Facility - Notify all staff so they can inform leadership in their
working areas. Request D.O.C.S. to send a TWX to all facilities to
be read at lineup. Keep membership informed.

When a member retires - The Local Union should purchase a one year
membership in the Council 82 Retiree Chapter - Approx. \$10

Opening of new facilities - New leadership no experience, no guide-
lines to follow. No cooperation with new management. No job descrip-
tions, no bidding, speed bidding, structure. Policy and procedure
should be established with D.O.C.S. to guide both local leaders and
management. Also, Council 82 staff should be available to assist
in day to day problems.

Bob Maloney needs a copy of new Council 82 Constitution

Next meeting - Oct. 9 in Batavia

Add Bob Kerr, Collins, to Sgt. at Arms Comm.

Bob Maloney to check on CO transfers to Groveland. Trainees are being
assigned over transfer list.

RJB/ck

cc: J. Burke
H. Chase
J. Mann
J. Puma
R. Maloney



NEWS RELEASE

TUFCO

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

Sept. 26, 1984

SOLIDARITY IS COUNCIL 82 WATCHWORD

Immediate Release

Council 82, Security and Law Enforcement Employees, AFSCME, AFL-CIO, came away from a Public Employment Relations Board (PERB) primary conference today with a call for union solidarity.

A PERB hearing officer received petitions from the State of New York and two splinter groups to fragment the Security Services Bargaining Unit and a petition for a representation election by a dissident group of employees calling themselves TUFCO.

Executive Director John W. Burke stated: "Council 82 has aggressively and effectively represented every employee in the Security Services Bargaining Unit for nearly 15 years. The cornerstone of that representation and the source of the strength and effectiveness of the Council has been, and now is, the unity of the workers.

"Solidarity is, and always has been, the basis of every gain we have made for working people. The state is trying to destroy that solidarity by its petition to carve from the Security Services Unit correction sergeants and other employees totaling more than 1,000 individuals. The splinter groups are playing right into the hands of
(more)

the state with their ill-advised petitions. The dissidents calling themselves TUFCO have filed a showing of interest tainted by fraud and misrepresentation as you might expect for an organization like TUFCO with only five members.

"Their position, brought out at the conference, is that they partly oppose the state's efforts to destroy worker solidarity and are 'neutral' with regard to other parts of the state's petition. Council 82 stands proud and strong for unity. No real union can ever be neutral when management tries to destroy employee unity.

"Weeks ago we notified the state that we were prepared to set dates for the beginning of bargaining, but the state has refused because of the petitions filed by these groups. The actions of these individuals is harming every correction officer, correction sergeant and every other member of the bargaining unit by preventing us from proceeding with the negotiation of additional pay raises and benefit improvements to add onto the raises of more than 30 per cent that we negotiated in the present contract. Council 82 will oppose these efforts to destroy employee unity.

"When the Council disposes of these efforts to destroy solidarity and wins any election that may be held, the result will send a loud and clear message to management that the members of the Security Services Unit are united in Council 82," Burke concluded.

The issues will be addressed again at a hearing Oct. 15 in the PERB offices, 50 Wolf Road, Colonie.

- 30 -

Further details: Call Charles R. Booth, public relations director

MEMORANDUM

TUFCO

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

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

The campaign will consist of two parts:

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

PHONE BANK CAMPAIGN

1. Turn on 15 phones at Council 82 phone bank. These, plus the 15 office phones, make 30 phones a day available for calls.
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
Edgecambe	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 TUFCO, from Jack). We will also call them.

Their kit will contain:

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

STATE OF NEW YORK-DEPARTMENT OF CORRECTIONAL SERVICES

MEMORANDUM

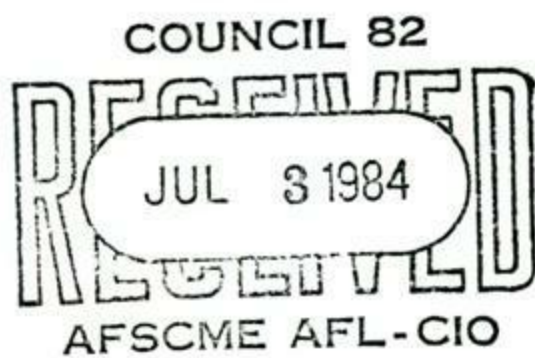
DATE: 6/30/84

TO: Frank Benedetto. (Council 82)

FROM: C.O. Lester J. Labala

SUBJECT: Trefco Union Material (R.E. Carl signing 10:40. PM
6-28-84.

On June 28-1984 I Lester J. Labala Reported To work for my Regular work schedule which is 11-7- Foot Patrol. While standing in the line up room. Sergeant Egan said to me hey big boy I have some "Material" for you to look at and read. He then stated for me to fill out the card and Return it to me. He also was proceeding to hand out the same Material to who ever was around the line up Room. on the night of 6-28-84 at approximately 10:40 P.M.



Respectfully Submitted
Correction officer Lester J. Labala
11-7. Steward Ogdenberry
Correctional Facility

7/3/84 cc file
Original to F Benedetto



Security and Law Enforcement Employees Council 82

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

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

November 13, 1984

Mr. Wally Clinton
Clinton Group
1250 I Street, N.W.
Suite 602
Washington, D.C. 20005

Dear Mr. Clinton:

Please find enclosed two memos on the TUFCO campaign, a booklet on our one on one campaign and a piece of literature the members of the one on one campaign have already delivered.

I look forward to hearing from you in the near future on this matter.

Fraternally,

Kathy McCormack
Legislative Director

KM/dmf
Encs.

AFFIDAVIT

TUFCO

STATE OF NEW YORK)
COUNTY OF ALBANY) SS.:

RONALD M. BROWN, being duly sworn, deposes and says that on October 17, 1984, I attended a meeting which had been called by The Union of Federated Correction Officers ("TUFCO"), held at The Women's Civic Center in Katonah, New York.

The meeting began at 5:00 p.m. and concluded at approximately 7:00 p.m. There were 16 people including myself at this meeting.

Bruce Farrell was the main spokes person, speaking on the subject of "TUFCO". One of the statements made by him was that "TUFCO intends to only represent Correction Officers when and if we win the representation election". Another statement made by him was: "Even if PERB does not get others out of the bargaining unit, TUFCO will deal with this issue later".

There were many other statements made by Mr. Farrell, but the above is the most significant and outstanding of all his remarks.

RONALD M. BROWN
Staff Representative
Council 82, AFSCME, AFL-CIO
63 Colvin Avenue
Albany, New York 12206
(518)489-8424

Sworn to before me this
day of October, 1984.

Notary Public - State of New York

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) SS.:

LILLIAN FRANCIS, being duly sworn, deposes and says that on October 17, 1984, I attended a meeting which had been called by The Union of Federated Correction Officers ("TUFCO"), held at The Women's Civic Center in Katonah, New York.

The meeting began at 5:00 p.m. and concluded at approximately 7:00 p.m. There were 16 people including myself at this meeting.

Bruce Farrell was the main spokes person, speaking on the subject of "TUFCO". One of the statements made by him was that "TUFCO intends to only represent Correction Officers when and if we win the representation election". Another statement made by him was: "Even if PERB does not get others out of the bargaining unit, TUFCO will deal with this issue later".

There were many other statements made by Mr. Farrell, but the above is the most significant and outstanding of all his remarks.

LILLIAN FRANCIS
President - Local 1265
Council 82, AFSCME, AFL-CIO

Sworn to before me this
day of October, 1984.

Notary Public - State of New York

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) SS.:

STEPHEN ALBURY, being duly sworn, deposes and says that on October 17, 1984, I attended a meeting which had been called by The Union of Federated Correction Officers ("TUFCO"), held at The Women's Civic Center in Katonah, New York.

The meeting began at 5:00 p.m. and concluded at approximately 7:00 p.m. There were 16 people including myself at this meeting.

Bruce Farrell was the main spokes person, speaking on the subject of "TUFCO". One of the statements made by him was that "TUFCO intends to only represent Correction Officers when and if we win the representation election". Another statement made by him was: "Even if PERB does not get others out of the bargaining unit, TUFCO will deal with this issue later".

There were many other statements made by Mr. Farrell, but the above is the most significant and outstanding of all his remarks.

STEPHEN ALBURY
President - Local 2718
Council 82, AFSCME, AFL-CIO

Sworn to before me this
day of October, 1984.

Notary Public - State of New York

State of New York } S.S.;
County of Albany }

AFFIDAVIT

On October 16, 1984, I attended a meeting called by "TUFCO" at the Woman's Civil Center in Katonah, New York.

Bruce Farrell, the spokes person for "TUFCO", indicated, (among other statements,) that "TUFCO" intends to represent correction officers only when and if they win this upcoming election.

among other statements he said even if PERB did not give

There were numerous statements made at this meeting, but the foregoing is the most significant and outstanding statement I recall at that time.

RONALD M. BROWN
Staff Representative
Council 82, AFSCME, AFL-CIO
63 Colvin Avenue
Albany, New York 12206
(518)489-8424

Sworn to before me this
day of October, 1984.

Notary Public - State of New York



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

October 11, 1984

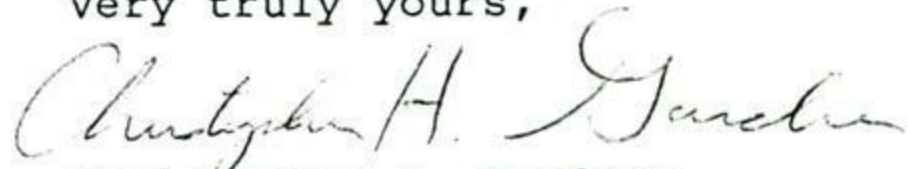
Mr. Ray Rogers
Corporate Campaign, Inc.
16th Floor
80 8th Avenue
New York, New York 10011

Dear Ray:

I have enclosed copies of some literature relative to the challenge of Council 82 by The Union of Federated Correction Officers in order to give you a better idea of what this election is all about.

We look forward to meeting with you next week; and should you have any questions, feel free to call me.

Very truly yours,


Christopher H. Gardner
Counsel

CHG:ss
Enclosures

cc: John W. Burke



Security and Law Enforcement Employees Council 82

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

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

WIMPCO BUSTERS CAMPAIGN

Your kit contains:

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

Your goal:

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



Security and Law Enforcement Employees Council 82

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

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

November, 1984

Dear Election Coordinator:

I am writing to thank you for taking the responsibility of coordinating the "WIMPCO" busting campaign in your facility. I cannot stress enough the importance of the task you are undertaking.

It has taken Council 82 fifteen years to build up a union that is able to give its members a 32% raise over the past three years, and the best contract in New York State. Council 82's last contract achieved in one year what the national average contract gained in three years. Our contract is used by correction officers and law enforcement personnel across the country as a model in negotiations. Council 82 is a democratically run union and is proud of it. I know both you and I are proud to be members of Council 82. Let's keep it that way!

The success of our campaign is critical to our future negotiations with New York State. Your role is a vital component if we are to overcome the fraud and dictatorship demonstrated by our challenger.

Good Luck! Let's give 'em hell!

Fraternally,

John W. Burke
Executive Director

JWB:ss



Security and Law Enforcement Employees Council 82

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

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

November, 1984

Dear Election Representative:

I am writing to thank you for taking on the responsibility of contacting your brothers and sisters to let them know about "WIMPCO" and the bargaining rights challenge to Council 82. I cannot stress enough the importance of the task you are undertaking.

It has taken Council 82 fifteen years to build up a union that is able to give its members a 32% raise over the past three years, and the best contract in New York State. Council 82's last contract achieved in one year what the national average contract gained in three years. Our contract is used by correction officers and law enforcement personnel across the country as a model in negotiations. Council 82 is a democratically run union and is proud of it. I know both you and I are proud to be members of Council 82. Let's keep it that way!

The success of our campaign is critical to our future negotiations with New York State. Your role is a vital component if we are to overcome the fraud and dictatorship demonstrated by our challenger.

Good Luck! Let's give 'em hell!

Fraternally,

John W. Burke
Executive Director

JWB:ss



Security and Law Enforcement Employees Council 82

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

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

TO : Election Coordinators
FROM: John W. Burke
DATE: October 22, 1984
RE : WIMPCO Busters Campaign

Your job is to coordinate the activities of your Election Committee. You are the most important component in this campaign (next to your Election Committee). It is going to be your responsibility to get the ballots back to Albany and to ensure that your Committee is functioning. I want to assure you at this time that should you need anything to assist you in this endeavor, I will personally make sure you get it.

The bottom line of the campaign is to get the ballots back. Your kit contains the same material as the kits your Election Committee contains. In the box you received from Council 82, there are 4x6 cards with the names of every member of your facility. It is your job to call the Election Committee together for a meeting and divide the cards up. You may want to meet every week, or every few days as we approach the ballot deadline day, to keep a check on activities. It is important to find out what members are being told, and how they are reacting to the canvass.

The easiest approach would be to give your Committee the names of their friends and people who work on their shift. You may or may not want to take cards yourself. Remember - the most important thing you can do is keep track of what's going on in your facility. In regard to those members who are known WIMPCO supports - IGNORE THEM!

After reviewing your kit, you should be able to explain the program, instructions and literature to your Committee. However, if you have any questions or are uncertain as to how to proceed, please contact Kathy McCormack or Chris Gardner at 1-800-342-4321. Every few days you will be receiving a box of literature to distribute to your Committee, who, in turn, will hand it out to the membership.

(over)



Security and Law Enforcement Employees Council 82

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

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

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

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

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

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

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

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

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

(over)



Security and Law Enforcement Employees Council 82

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

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

HOW TO APPROACH A MEMBER ON COUNCIL 82

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

(over)



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

RECORD KEEPING

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

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

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

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

(over)



Security and Law Enforcement Employees Council 82

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

63 COLVIN AVENUE, ALBANY, N.Y. 12206

PHONE 518/489-8424

Today's Date: _____

ELECTION COORDINATORS' WEEKLY RECORD SHEET

How many members has your Committee contacted this week?
(approximately) _____

How many Pro Council 82 members? _____

How many "WIMPCO"? _____

How many Undecided? _____

Was there any "WIMPCO" activity in your facility this past week? _____

If yes, what type?

Any additional comments?

MEMORANDUM

TO : Council 82 Staff
FROM: Kathy McCormack and Chris Gardner
DATE: October 9, 1984
RE : Council 82 Challenge Campaign

We have devised a campaign to win the upcoming Bargaining Campaign. Please comment, add, subtract, etc.

The campaign will consist of three parts. This model assumes ballots will be mailed on December 14th.

1. Phone Bank Campaign
2. One-on-One Campaign
3. Ballot Parties

Phone Bank Campaign:

Council 82 phone bank will be turned on October 15th.

Council 82 staff, correction officers and non-correction members will call all state Council 82 members. We will identify supporters, undecideds and nos. A second call will be made back to supporters and undecideds to remind them to send ballot back.

A schedule will be set up for correction officers to come in and call correction officers. Each non-correction local will call their membership. (Facilities will be prioritized by how pro Council 82 they are.)

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 agent. 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. Because of this challenge, statewide negotiations have been delayed. Can we count on your support for Council 82?

Thank you for your time.

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. Because of this challenge, statewide negotiations have been delayed. Can we count on your support for Council 82?

Thank you for your time.

Responses:

(Same as above)

Each caller will have an issue fact on Council 82 to answer any questions.

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 - persuasion letter, reasons why they should support Council 82; do you want negotiations by amateurs when the State will be demanding give backs; explain ballot procedure. (from Jack)
- C. Non-Correction mailing - (from local president) how good Council 82 is compared to the other association; explain ballot procedure.

Calls will start on November 7th.

Staff Reps:

Try to get the phone numbers of locals through watch commander, stealing or bribery.

Get phone books for the areas your facilities are. Bring or mail them to Council 82 as soon as possible.

One-on-One Campaign:

The goal of this program is for each facility or local to have 10 or more persons to be the election representatives, headed by an election coordinator. They will be part of the Council 82 Election Committee.

Between now and October 30th, the staff reps will identify the election representatives in their facilities. The names should be gotten through the local president (they can be the Executive Board and Trustees, etc.), if the local president is pro 82. If not, you identify 10 pro Council 82 reliable people.

On October 30th, you give us the names, addresses and phone numbers of these people. We will give you the kits for each coordinator.

Between October 31st and November 6th, you will meet with the election representatives at each facility to explain the program and distribute the kits. (It may be enough to explain program to local president and he give the kits out.) On November 12th, the phone bank will call the election representatives to see how its going, to thank them, and to see if they need anything.

The 43 correctional facilities, the Building Guards, Capital Police, Mid-Hudson PC and CNYPC will be involved. The Safety Officers will be done through the mail, as well as the smaller locals.

Ballot Parties:

On October 30th, you will also receive a folder for each facility for a ballot party. The election coordinator will be in charge. It will contain a membership list for marking off members who bring their ballot, suggested times and dates for the party (in some cases, it can be done at their Christmas party), and a flyer on the parties. A copy of the membership list with the names of those who have returned ballots will be sent to Council 82. The local will continue to contact those who haven't sent theirs back and Council 82 will call them.

TO : All Council 82 Election Coordinators
FROM: John W. Burke, Executive Director
DATE: October 5, 1974
RE : Council 82 Bargaining Rights Challenge

YOUR KIT CONTAINS:

1. Record Sheet
2. Handout on Council 82 and election procedure
3. Stamped envelopes to send record sheets back every Friday, starting November 16th.
4. Stamped envelope to mail completed kit back to Council 82.

THE PROGRAM:

1. Contact members personally
2. Record status of each member on 4x6 cards. You will make an initial contact. After ballot mailing, re-contact "yes" and "undecided".
3. Each Friday send a record sheet of members contacted that week back to Council 82.

The goal of this program is for you to talk with each member that you have been assigned. This can be done on the job, off the job or by phone. We want you to explain to each member that Council 82 is being challenged by an association for your bargaining rights. Tell them they will be receiving a ballot from the Public Employment Relations Board in the near future. They have to mail it back, give it to you to mail back, or bring it to the facilities' ballot party if you are having one. Provide each member on your list with information on Council 82 and why we are the best qualified and experienced to represent them.

We also want you to find out if the member supports Council 82. After determining the correction officer's position on Council 82 (for, against, undecided), mark their 4x6 card. Each Friday, send a record sheet for the week back to Council 82.

If you have any questions, call Kathy McCormack or Chris Gardner at Council 82, 1-800-342-4321.

First contact with member.
Today's date _____
Circle member's response

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

Second contact (only contact pro or undecided members)

Today's date _____
Did member send ballot back?

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

446

Cards

MEMORANDUM

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

ONE-ON-ONE CAMPAIGN:

1) Arthur Kill

19 C-82
5 Und.
2 TUFCO
26

(Names and addresses of those contacted - many are different from Brigar list)

2) CNYPC

79 C-82
6 Und.
2 TUFCO
87

-Some CO's transporting from downstate facilities (Sing-Sing, Downstate & Fishkill) have been pushing for TUFCO

3) Elmira

162 C-82
6 Und.
0 TUFCO
168

Names and addresses - a lot of new addresses

4) Wende

58 C-82
3 Und.
0 TUFCO
61

5) Summit

23 C-82
1 Und.
1 TUFCO
25

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

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

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

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

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

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

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

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

Council 82 Totals

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

PHONE NUMBERS:

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

	<u># Found</u>	<u># Members</u>
Great Meadow	351	573
Collins	133	354
Fishkill	295	767
Mid-Hudson	143	291
Mid-Orange	88	308
Otisville	106	255
Mt. McGregor	186	314
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Green Haven	198	601
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EnCon	125	401
Attica	370	651
Elmira	385	478
Arthur Kill	102	330
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Bayview	35	96
Ogdensburg	159	172
Taconic	40	109
Queensboro	41	204
Adirondack	142	219
Albion	84	192
Ossining	224	716
Auburn	225	543
	<u>5,590</u>	<u>11,321</u>

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

Kathy

KM:ss

cc: Frank Benedetto
Chris Gardner

TUFCO

THE ISSUE IS POWER

You were recently contacted by phone about the upcoming bargaining rights 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!

On the other hand, 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.

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 a matter of power.

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,

John W. Burke
Executive Director

JWB:ss

THE ISSUE IS POWER

Dear Brothers and Sisters:

you were recently contacted by phone about the upcoming bargaining rights 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!

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Fraternally,

John W. Burke
Executive Director

JWB:ss

PHONE CALLER OPERATION

Your job is to make a series of five (5) phone calls to each person on the card. After each call, you are to mark the card appropriately and put each card in its respective pile. For the present, we are only dealing with Call #1. You will mark the card in the Call #1 column only.

You are to mark the card according to the response you get.

If the phone number is wrong or disconnected, mark that response (disc).

If there is no answer, mark the DA response for doesn't answer.

If you reach the member or his/her spouse and give them the message, mark (c) for a call completed.

If the member voluntarily indicates that he/she is in favor of TUFCO or unfavorable to Council 82, mark the response (x).

When you are finished with the card, you will put it in one of four piles in front of you, depending on the response you receive. Place them face down on the piles. This will keep them in alphabetical order. There will be three piles:

PILE ONE - for all disc or x responses

PILE TWO - for doesn't answer

PILE THREE - for call completed

At some point during the day, the Phone Bank Supervisor will collect these cards. Before he/she takes the cards from you, you should add up the responses you received on the sheet marked PHONE CALLER RECORD.

When you finish with the cards you have been given, inform the Phone Bank Supervisor; he/she will give you new ones.

You are expected to make 15 or more calls an hour.

If you have any questions, ask the Phone Bank Supervisor.

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You are expected to make 15 or more calls an'hour.

If you have any questions, ask the phone bank supervisor.



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

PHONE BANK CALLER INFORMATION SHEET

Welcome to Council 82! Council 82 is a union that represents security and law enforcement employees in New York State. We represent Correction Officers, Environmental Conservation Officers, Forest Rangers, Safety Officers, etc.

The reason you are here making these calls is because an outside organization called TUFCO has challenged our right to represent these employees in collective bargaining with New York State.

You are calling our membership to inform them of this challenge. It is very important that our members vote for Council 82 in the upcoming election. We are the only union with the power, clout and experience necessary to represent these employees.

Thank you for your help in this endeavor. If you have any questions, please ask the Supervisor.

10/10

SENSITIZING TELEPHONE MESSAGE

Hello, _____, this is _____ from
(Name of Member) (Your Name)

your union, Council 82. On January 28th, the Public Employment Relations Board will mail you a ballot asking you to decide who will represent you at the bargaining table. This election is extremely important because we have to negotiate your new contract, and we know the State's goal is to roll back the gains Council 82 has fought for over the past 15 years.

Let's send the State a message of unity, strength and power. You will be voting on your destiny.

We will be sending you some information about Council 82 which will help you decide who can best represent you. We hope you keep your eye out for this information. We'll keep in touch. Thank you for your time.

MEMORANDUM

TUFCO

TO : Jack Burke
FROM: Kathy McCormack
DATE: December 19, 1984
RE : Status of Phone Numbers on One-On-One Campaign
(Update)

ONE-ON-ONE CAMPAIGN:

1) Arthur Kill

33 C-82
11 Und.
6 TUFCO
50

(Names and addresses of those contacted - many are different from Brigar list)

2) CNYPC

95 C-82
6 Und.
2 TUFCO
103

-Some CO's transporting from downstate facilities (Sing-Sing, Downstate & Fishkill) have been pushing for TUFCO.

3) Elmira

362 C-82
11 Und.
1 TUFCO
374

Names and addresses - a lot of new addresses.

4) Wende

58 C-82
3 Und.
0 TUFCO
61

5) Summit

23 C-82
1 Und.
1 TUFCO
25

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

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

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

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

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

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

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

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

14) Woodbourne
238 C-82
81 Und.
30 TUFCO
349

15) Fishkill
29 C-82
3 Und.
3 TUFCO
35

16) University Police
41 C-82
0 Und.
0 TUFCO
41

17) Auburn
300 C-82
91 Und.
89 TUFCO
480

Council 82 Totals

Pro-Council 82	-	1,934
Undecided	-	347
TUFCO	-	222
		<u>2,503</u>

Phone Numbers:

	<u># Found</u>	<u># Members</u>
Downstate	255	540
Lincoln	13	66
Edgecombe	18	80
Fulton	22	80
Great Meadow	351	573
Collins	133	354
Fishkill	295	767
Mid-Hudson	143	291
Mid-Orange	88	308
Otisville	106	255
Mt. McGregor	186	314
Alden	56	131
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Adirondack	142	219
Albion	84	192
Ossining	224	716
Auburn	225	543
Summit	13	45

	<u># Found</u>	<u># Members</u>
Beacon	21	46
Woodbourne	223	320
Georgetown	11	45
Monterey	24	45
Pharsalia	24	45
Gabriels	38	67
Wallkill	98	174
P&R	92	207
CNY Corrections	45	157
Eastern	196	411
Hudson	56	163
SUNY	260	522
	<u>6,930</u>	<u>13,361</u>

50% of the phone numbers looked for have been found.

Kathy

KM:ss

cc: Frank Benedetto
Chris Gardner

ALL

Jules

COUNCIL 82
RECEIVED
DEC - 3 1984
AFSCME AFL-CIO

To: Steve Pageau
From: Mike Booth
Subject: See Attached
Date: November 21, 1984

The following was recently submitted
by Paul Gilmore.
It may be of some use.

Mike



12/3/84 cc file
Original to S Pageau

12/11 cc R Rowley



INSTRUCTIONS

After telling many correction officers that it was seeking cards to represent a bargaining unit of correction officers only TUFCA has petitioned for the entire security services bargaining unit including non-corrections titles such as Capitol Police Officers, Campus Security Officers, Building Guards, Forest Rangers, etc. Many employees have signed statements that they were told that TUFCA wanted to represent a bargaining unit of correction officers only and signed TUFCA cards based upon that representation. These employees have signed statements saying that they would not have signed the TUFCA cards but for that representation.

PERB has now asked for more detailed information about TUFCA's representations that it sought a corrections only bargaining unit. PERB as requested the names of the individuals who made the statements, the date, time and place and witnesses to the statements and what was said.

PERB wants this information in affidavit form. Attached to this instruction sheet is a blank affidavit form. Please fill in the blanks in your own words with as specific information as you can recall. Paragraph 9 is blank. If you were told on more than one occasion that TUFCA was going to petition to represent correction officers only, fill in the details of the other occasions in paragraph 9. Sign it before a notary public and return it to your field rep. He will see that it gets to the Public Employment Relations Board.

If there is no notary public available, cross off the portion at the end that says:

Sworn to before me this
____ day of October, 1984

NOTARY PUBLIC

and have anyone else sign your statement as a witness. If you have any questions, call Brian O'Donnell collect at (518) 434-6187. If he is not there when you call, leave your name, phone number and a time when he can call you back.

STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of :

STATE OF NEW YORK, :

Employer, :

- and - :

THE UNION OF FEDERATED CORRECTION :
OFFICERS, :

Petitioner, :

COUNCIL 82, AMERICAN FEDERATION OF :
STATE, COUNTY AND MUNICIPAL EMPLOYEES, :

Intervenor. :

AFFIDAVIT
Case No. C-2825

STATE OF NEW YORK)
) ss.:
COUNTY OF)

JEFFERSON, being duly sworn, deposes
and says that:

1. I am a correction officer employed at WATERTOWN
Correctional Facility. My post office address is 305 CENTRAL
ST. WATERTOWN, N.Y. 13601.

My telephone number is (home) 788-6572 (work) 782-7490.

2. I had a conversation with MR. FITZPATRICK,
a representative of the Union of Federated Correction Officers,
(TUFCO). In words or substance what he told me about which
employees TUFCO was seeking to represent was: CORRECTION

OFFICERS ONLY.

3. In words or substance what he told me TUFCO was going to do about other employees such as Capitol Police Officers, Campus Security Officers, Building Guards and Forest Rangers, etc. was: THAT THEY WOULD NOT BE REPRESENTED BY TUFCO.

4. During this conversation I was asked to sign a TUFCO designation card. Based upon those representations which I understood to mean that TUFCO was seeking to represent correction officers only, I did so.

5. I would not have signed a designation card for TUFCO but for those representations which I understood to mean that it would represent only correction officers.

6. This conversation took place at: (the place) SAM'S CAFE (UPSTAIRS MEETING ROOM), WATERBURY, N.Y.

7. It occurred on or about: (the date and time as best you can remember) ABOUT 7:00 P.M. - MARCH OF 1984

8. MR. BRAINY, MR. HUMLSTON, + MR. MORRISSEY

ALONG WITH A GROUP OF OFFICERS THAT WERE THERE TO
LEARN ABOUT were present at the time that the conversation
TUFCO.
occurred.

9. I FEEL THAT THE TUFCO MOVEMENT IS SO GROSSLY
MISREPRESENTED THAT THEY HAVE LOST ALL CREDIBILITY.

James L. Milross

Sworn to before me this
21st day of October, 1984

Susan J. Walts
NOTARY PUBLIC

SUSAN J. WALTS
NOTARY PUBLIC, State of New York
Qualified in Jefferson County
Commission Expires March 30, 1985

MEMORANDUM

TUFCO

TO : Jack Burke
FROM: Kathy McCormack
DATE: December 11, 1984
RE : Status of Phone Numbers and One-On-One Campaign
(Update)

ONE-ON-ONE CAMPAIGN:

1) Arthur Kill

19 C-82
5 Und.
2 TUFCO
26

(Names and addresses of those contacted - many are different from Brigar list)

2) CNYPC

95 C-82
6 Und.
2 TUFCO
103

-Some CO's transporting from downstate facilities (Sing-Sing, Downstate & Fishkill) have been pushing for TUFCO

3) Elmira

294 C-82
7 Und.
1 TUFCO
302

Names and addresses - a lot of new addresses

4) Wende

58 C-82
3 Und.
0 TUFCO
61

5) Summit

23 C-82
1 Und.
1 TUFCO
25

6) Coxsackie

126 C-82
40 Und.
2 TUFCO
168

7) Bayview

102 C-82
10 Und.
3 TUFCO
115

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

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

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

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

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

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

14) Woodbourne
 238 C-82
 81 Und.
 30 TUFCO
349

Council 82 Totals

Pro-Council 82	-	1,464	-	79.8%
Undecided	-	243	-	13.2%
TUFCO	-	127	-	6.9%
		<u>1,834</u>		<u>100.0%</u>

PHONE NUMBERS:

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

	<u># Found</u>	<u># Members</u>
Great Meadow	351	573
Collins	133	354
Fishkill	295	767
Mid-Hudson	143	291
Mid-Orange	88	308
Otisville	106	255
Mt. McGregor	186	314
Alden	56	131
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Bedford	58	195
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Taconic	40	109
Queensboro	41	204
Adirondack	142	219
Albion	84	192
Ossining	224	716
Auburn	225	543
Summit	13	45
Beacon	21	46
Woodbourne	223	320
Georgetown	11	45
Monterey	24	45
Pharsalia	24	45
Gabriels	38	67
Wallkill	98	174
P&R	92	207
CNY Corrections	45	157
Eastern	196	411
Hudson	56	163
	<u>6,431</u>	<u>12,839</u>

50% of the phone numbers looked for have been found. I still have to tabulate SUNY and Safety Officers after more of their numbers are looked up.

Kathy

KM:ss

cc: Frank Benedetto
Chris Gardner

MEMORANDUM

*Sharon
could you
update
(changes only
on page one)*

TO : Jack Burke
FROM: Kathy McCormack
DATE: December ¹⁰ 3, 1984
RE : Status of Phone Numbers and One-On-One Campaign
(Update)

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2 TUFCO
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(Names and addresses of those contacted - many are different from Brigar list)

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95 ← 79 C-82
6 Und.
2 TUFCO
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-Some CO's transporting from downstate facilities (Sing-Sing, Downstate & Fishkill) have been pushing for TUFCO

3) Elmira

294
7
1
162 C-82
6 Und.
0 TUFCO
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 3 TUF
 50

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

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

Woodburne
 238
 €1
 30

Council 82 Totals

	Pro-Council 82	-	1464 1,078	-	80.7%	79.8
	Undecided	-	243	-	12.1%	13.2
z	TUF	-	127 96	-	7.2%	6.9
			<u>1,335</u>		100.0%	100.0
			1534			

PHONE NUMBERS:

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

	<u># Found</u>	<u># Members</u>
Great Meadow	351	573
Collins	133	354
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Adirondack	142	219
Albion	84	192
Ossining	224	716
Auburn	225	543
	<u>5,590</u>	<u>11,321</u>

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

Kathy

KM:ss

cc: Frank Benedetto
Chris Gardner

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Albion	84	192
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Auburn	225	543
	<u>5,590</u>	<u>11,321</u>

50%

looked for

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I still have to tabulate Suny + Safety officers after more of their numbers are looked up, Kathy

KM:ss

cc: Frank Benedetto
Chris Gardner

6431

12839

office file

STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of
STATE OF NEW YORK,

Employer,

-and-

THE UNION OF FEDERATED CORRECTION
OFFICERS,

CASE NO. C-2825

Petitioner,

-and-

COUNCIL 82, AFSCME, AFL-CIO,

Intervenor.

DECISION OF DIRECTOR

On August 29, 1984, The Union of Federated Correction Officers (TUFCO) filed a petition seeking the decertification of Council 82, AFSCME (Council 82) and its own certification as the exclusive negotiating agent for employees of the State of New York (State) in the State's Security Services Unit. A conference was held before Kenneth J. Toomey, Esq., the Administrative Law Judge assigned to the case, on September 26, 1984, to discuss issues raised by the petition. At that time, Council 82 challenged both the validity of TUFCO's showing of

interest,^{1/} asserting that it had been fraudulently induced, and TUF^{CO}'s eligibility to represent all employees in the Security Services Unit, based, inter alia, on certain provisions of its constitution and by laws.^{2/}

In furtherance of my investigation under §201.9(a)(1) of the Rules, Council 82 was directed to submit an offer of proof setting forth the specific facts in support of its allegations. It did so on October 22. On October 31, the parties were directed to submit legal memoranda addressing the issue of whether, if proven, Council 82's assertions should affect the further processing of TUF^{CO}'s petition. Each party has responded.

THE SHOWING OF INTEREST

In support of its first allegation -- that the showing of interest submitted by TUF^{CO} in support of its petition is so permeated by fraud in its inducement as to be invalid

^{1/} Rules of Procedure (Rules), §201.4(a).

^{2/} While the make-up of the bargaining unit is not challenged in this proceeding, three petitions were filed in August to remove certain titles from the Security Services Unit. Of those, one (Case No. C-2829, relating to lifeguards) has been withdrawn, one (Case No. C-2827, relating to "supervisory" employees) is pending a hearing, and one (Case No. C-2826, relating to parkway police) has been litigated and awaits decision.

-- Council 82 offered written statements by a number of correction officers that they signed TUFCO designation cards because, and only because, it was represented to them by TUFCO agents that TUFCO would seek to represent a unit consisting solely of correction officers. Since those cards were in fact used to support TUFCO's petition to represent the existing unit, which includes other than correction officers, Council 82 asserts that the showing of interest should be invalidated as being obtained through a deliberate misrepresentation as to the purpose of the cards.

My investigation into the validity of a showing of interest submitted in support of a representation petition is limited in its scope by §201.4(e) of the Rules,^{3/} which provides in pertinent part:

(e) The Director may direct an investigation and, if necessary, a hearing whenever he deems it appropriate to ascertain whether the evidence submitted is accurate. If he determines that evidence is fraudulent

^{3/} The scope of review of a showing of interest is not so limited in some jurisdictions. For example, §447.307(2) of the Florida Public Employees Relations Act permits a challenge to signatures on a showing of interest on the grounds that they "were obtained by collusion, coercion, intimidation, or misrepresentation or are otherwise invalid."

or that the declaration^{4/} is false, he shall take such reasonable action as he deems appropriate to protect the integrity of the procedures of the Board in connection with the pending matter.

Thus, unless it can be shown that the evidence of a showing of interest submitted is in a form which is a fraud or misrepresentation on the Board such as would compromise the integrity of its procedures, the evidence will be accepted.^{5/} Examples of such fraud or misrepresentation would be forged signatures on the cards^{6/} or the submission of a showing of interest which had been tampered

^{4/} This reference is to the "declaration of authenticity" required by §201.4(d) of the Rules. In its brief, Council 82 for the first time asserts that TUFECO's declaration of authenticity is false, alleging that some of the designation cards were not, as the declaration avers, signed on the dates indicated thereon. However, the instances cited are not nearly sufficient in number, even if true, to affect the numerical sufficiency of TUFECO's showing of interest. Thus, further investigation into these particular assertions, especially at this stage of the proceedings, is not warranted. See O'Keefe v. Helsby, 76 Misc. 2d 934, 6 PERB ¶7014 (Sup.Ct. Nassau Co. 1973).

Similarly, Council 82's broad assertions, also first raised in its brief, that unit employees were "urged" to sign TUFECO cards by other unit employees who may have supervisory responsibilities and that newly hired employees were under "constant pressure" from senior employees to sign TUFECO cards, are neither sufficiently specific nor substantial to warrant investigation.

^{5/} For the proposition that the showing of interest requirement is for the administrative convenience of the Board rather than for the protection of any party see Board of Education of the CSD of the City of New York, 15 PERB ¶3138 (1982), and cases cited therein at p. 3218, fn. 2.

^{6/} See State of New York, 11 PERB ¶4053, aff'd., 11 PERB ¶3077 (1978).

with so as to be substantially different from that signed by the employees.^{7/}

Here, however, Council 82 alleges that employees signed the TUFCO cards on the basis of misrepresented facts. Since there is no allegation that the signatures are not genuine or that the cards are not accurate, i.e., are not in the form actually signed, the showing of interest is acceptable and sufficient.

The designation cards clearly state on their face that they are to be used for purposes of securing an election "for the right to represent my bargaining unit," an unambiguous reference to the unit of which the signing employee was at that time a member -- the Security Services Unit. Even if the purpose of the cards was misrepresented by the TUFCO agents, the written form was sufficiently clear to belie any statement of contrary purpose.^{8/} The question of whether the employees desire representation and the identity of the negotiating agent is best answered in circumstances such as these through the election process.^{9/}

^{7/} See County of Westchester, 14 PERB ¶8005 (1981).

^{8/} County of Erie, 13 PERB ¶4060 (1980).

The private sector cases cited by Council 82 to support its argument are inapposite in that they involve unfair labor practice charges and possible bargaining orders, issues not here present.

^{9/} See Suffolk Chapter CSEA v. PERB, 63 Misc. 2d 403, 3 PERB ¶7008 (Supt.Ct. Suf.Co. 1970), aff'd, 35 A.D.2d. 655 (2nd Dept. 1970).

Accordingly, the objections of Council 82 to the showing of interest are dismissed.

TUFCO ELIGIBILITY

Council 82 asserts that TUFCO is ineligible^{10/} for certification as negotiating agent for the Security Services Unit on two grounds: first, that it has expressed an intention not to represent the noncorrection officers who are in that unit; second, that its structure deprives its members of meaningful participation in TUFCO.

Read in a light most favorable to Council 82's position, the evidence submitted in the offer of proof may demonstrate that TUFCO's ultimate goal, admitted in its brief, is to represent correction officers in a separate negotiating unit. However, the statements attributable to TUFCO agents in this regard do not establish that if certified, TUFCO would "abandon part of the negotiating unit,"^{11/} and do not constitute grounds for dismissal of the petition.

Council 82's second objection to TUFCO's eligibility for certification is based on provisions of the TUFCO constitution whereby the five original officers, all unit employees, will maintain office, and thus membership on TUFCO's governing body -- the Executive Board of Directors -- until at least December


^{10/} Council 82 does not challenge TUFCO's status as an "employee organization" under §201.5 of the Taylor Law.

^{11/} Manhasset UFSD, 12 PERB ¶3059, at 3105 (1979); See also Enlarged CSD of the City of Saratoga Springs, 14 PERB ¶3080, aff'g 14 PERB ¶4052 (1981).

of 1988, when the first election is scheduled. Because of the powers these officers have in the organization's operations, and will have for four more years, Council 82 argues that the membership is deprived of any meaningful participation in TUFCO and that it is therefore ineligible for certification.

The issues raised by Council 82 relate to internal affairs of TUFCO which have no adverse bearing on unit members' terms and conditions of employment^{12/} or on TUFCO's representation of all unit members.^{13/} Since there is no dispute that TUFCO is an employee organization, TUFCO is eligible for certification. Accordingly, I find no impediment to the further processing of this petition.

Dated at Albany, New York,
this 30 day of November, 1984



Harvey Milowe, Director
Public Employment Practices
and Representation

^{12/} CSEA, Inc. (Boqack), 9 PERB ¶3064, aff'g. 9 PERB ¶4520 (1976). See also Board of Education of the City of Syracuse School District, 7 PERB ¶4539 (1974)

^{13/} All Security Services Unit employees are eligible for membership in TUFCO.

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.

§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.

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



PHONE 518-465-3352

December 20, 1984

Mr. Kenneth Toomey
Public Employment Relations Board
50 Wolf Road
Albany, New York 12205

Re: Case No. U-7723, TUFCO Union v. State of New York
(OER) and District Council 82, AFSCME

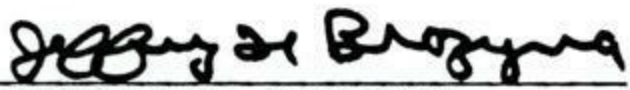
Dear Mr. Toomey:

Enclosed pursuant to your Order of December 6, 1984, please find an original and four copies of our Bill of Particulars herein. Proof of service is also enclosed.

I would like to emphasize that, although the Respondents' requests for particulars seemed to focus on our "joint action" allegations, the charge alleges acts of interference for which the State is jointly and severally liable.

Also, I would like to emphasize that, while we have attempted to make our responses as complete as possible, some of the demanded particulars were not readily available to us, being in the exclusive knowledge of the Respondents. Therefore, we have made a Freedom of Information Law request to discover the additional particulars, and will supplement our answers when we obtain the needed information. This is the practice under the CPLR (see Weinstein-Korn-Miller, New York Civil Practice, ¶3041.07). It should be even more appropriate under the Taylor Law, given the lack of protective orders and discovery in improper practice proceedings.

Respectfully yours,


JEFFREY H. BROZYNA
Attorney for TUFCO Union
Charging Party herein

encs.

cc: Office of Employee Relations (Pellegrini)
Rowley, Forrest & O'Donnell (Rowley)

STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of

COUNCIL 82, AMERICAN FEDERATION OF
STATE, COUNTY & MUNICIPAL EMPLOYEES,
AFL-CIO,

Petitioner,

CASE NO. C-2824

-and-

STATE OF NEW YORK,

Employer.

STATE OF NEW YORK,

Petitioner/Employer,

-and -

COUNCIL 82, AMERICAN FEDERATION OF
STATE, COUNTY & MUNICIPAL EMPLOYEES,
AFL-CIO,

CASE NO. C-2827

Intervenor.

-and-

THE UNION OF FEDERATED CORRECTION
OFFICERS,

Intervenor.

STATE OF NEW YORK,

Employer,

-and-

THE UNION OF FEDERATED CORRECTION
OFFICERS,

Petitioner,

CASE NO. C-2825

-and-

COUNCIL 82, AMERICAN FEDERATION OF
STATE, COUNTY & MUNICIPAL EMPLOYEES,
AFL-CIO,

Intervenor.

STIPULATION

It is hereby stipulated by the parties herein and endorsed by the Public Employment Relations Board ("PERB") that:

1. Proceedings on the petition numbered C-2824 filed by Council 82, AFSCME, shall be adjourned until the petition numbered C-2827 filed by the State of New York is litigated.

2. Proceedings on the petition numbered C-2827 filed by the State of New York shall be adjourned until such time as an employee organization is certified by the Public Employment Relations Board to represent the Security Services Negotiating Unit.

3. Petition numbered C-2827 shall be litigated at a time set by the Director, after consultation with the parties to the litigation: the State

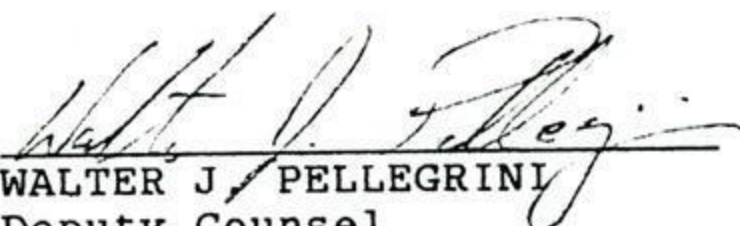
of New York and the certified employee organization(s) representing the Security Services Negotiating Unit and the Security Supervisors Unit, at the conclusion of negotiations for a successor agreement to the agreement in the Security Services Unit which expires on March 31, 1985, or a legislative determination of the terms and conditions of employment of the Security Services Unit.

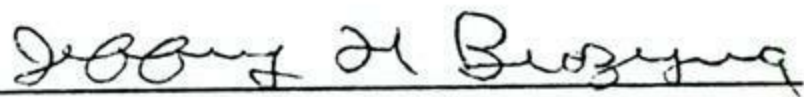
4. All incumbents in positions and all positions sought to be declared supervisory in petition C-2827 which are determined by PERB to be appropriately placed in the Security Supervisors Negotiating Unit, either after litigation or stipulation by the State of New York and the certified employee organization(s) representing the Security Services Negotiating Unit, and the Security Supervisors Unit shall be placed in the Security Supervisors Negotiating Unit for the purposes set forth in PERB Rule 201.3(d) and (e) and 201.4 at the beginning of the period (August 1) during which a new challenge may be filed for representation rights to the Security Services Negotiating Unit after April 1, 1985. Incumbents in such positions shall continue to receive the benefits contained in the Security Services Negotiating Unit Agreement until expiration of any legislative determination or expiration of the successor agreement to the agreement which expires on March 31, 1985, or as otherwise provided by §209-a.1(e) of the Civil Service Law. However, upon the transfer of any positions to the Security Supervisors Unit on the date

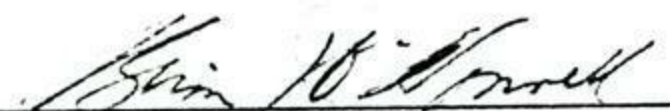
set forth in this paragraph, the positions and employees in those positions will be represented on and after that date by the representative of the Security Supervisors Unit.

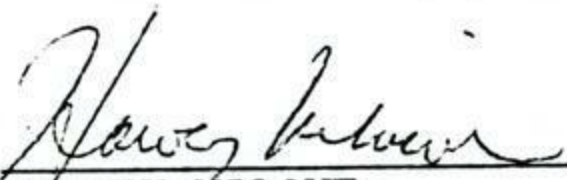
5. An election in petition numbered C-2825 filed by The Union of Federated Correction Officers to determine whether an employee organization is to be certified by PERB to negotiate for the Security Services Negotiating Unit may proceed as soon as PERB can schedule it.

The parties herein reach the agreements set forth above in an effort to expedite the process of providing an election for the members of the Security Services Negotiating Unit to determine their negotiating agent and to eliminate unnecessary delay to the commencement of negotiations for a successor agreement to the present agreement which expires on March 31, 1985.


WALTER J. PELLEGRINI
Deputy Counsel
NYS Governor's Office of
Employee Relations


JEFFREY H. BROZYNA
Attorney at Law
Representing The Union of
Federated Correction Officers


BRIAN J. O'DONNELL
Rowley, Forrest & O'Donnell
Representing Council 82,
AFSCME, AFL-CIO, as nego-
tiating agent for the
Security Services Unit and
the Security Supervisors Unit.


HARVEY MILOWE
Director, Public Employment
Practices & Representation
PERB

DATED: Albany, New York
December 20, 1984



AFSCME®

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

Telephone: (518) 465-4585

April 5, 1984

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

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

BACKGROUND

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

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

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

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

in the public service

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

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

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

ACTIVITY

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

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

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

PITCH

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

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

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

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

INSTITUTIONAL STRENGTHS AND WEAKNESS

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

T.U.F.C.O.

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

COUNCIL 82

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

TOTALS - (2146)

(3818)

Adell's cc

TUFECO

Fishkill

(4) ^{CO3}

Robert Farrell
John VanHouten

Harry Stevens
Terry McKinney

30 Sign TUFCT off 11-7 shift.

10-6 LT
Walter
Thorn
knew it
was going
down

WC on 11-7 shift.

Bruce Farrell called and spoke to WLC
that no right to take cards, would get
his lawyer involved

~~Sgt LT ? was in TUFECO~~

Sgt Macy was at TUFECO = Bruce Farrell took
all March 1 TUFECO could go inside FAC.

TUFECO has 3600 signed cards.

CT has cc of sign in FAC & out
not by LTs.

^{4 CO3} signed out keys at FAC after shift.
To take and sign employees in TUFECO.

Harry Kraft (Loes Brother)

signed TUFECO card in with Shannon
Cindy saw cards that was signed
met Joe Krafts Brother at carer Policy meeting

TUFECO called regional Police Olympics
offered \$20000 for uniforms

Cindy to meet Reid

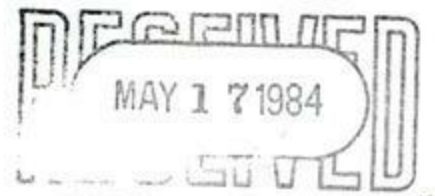
Requested she get cc of signed TUFECO cards
asked her to get signed State ments from
officers that they were approached on job &
signed cards

written Report by CT to follow



THE BOTTOM LINE

COUNCIL 82



AFSCME AFL-CIO 1970

Yes

*69-fy elec July 12, 1970
54 on C-50
1968 formed C-82
as result of
TIL
in 57 THERE WAS
NO Council 82
OR 66*

No

WHAT HAS COUNCIL 82's bargaining done for you?

A hell of a lot. Let's just capsule the highlights:

In 1957, our job rate was keyed to grade 11. In 1966, we pushed it to grade 12; in 1970, to grade 13; in 1972, to grade 14.

In 1971, our job rate was \$9,000 a year. In October it will be \$24,827 including line-up pay, which Council 82 negotiated, and uniform allowance, which Council 82 negotiated. For officers with longevity, it will be \$27,095, more than **triple** the 1971 rate.

Council 82 increased the trainee scale stunningly. Now an officer starts at \$14,200, gets 5.6 per cent more (\$800) in six months and another 34.8 per cent (\$5,214) at the end of a year. This \$6,014 raise amounts to \$115.65 a week. Such increments are almost unheard of in any other union, public or private sector!

An officer hired in April, 1982, for \$12,920 is now earning \$20,572, a 59.2 per cent increase. Do you know any one of your neighbors who got a 60 per cent raise in the last two years?

Because of the effort of your Council 82 negotiating team, the present contract increases base salaries 30 per cent in 30 months. No other public employee union can make that boast. It would be ludicrous to think a new bargaining unit without depth of experience and extremely limited financial resources could come anywhere near this figure, much less surpass it.

Governor Cuomo, addressing our 1983 convention, said he knew of "no union that did more for its members" than Council 82. That's hardly something he'd say about an idle or do-nothing union.

Health insurance, dental plan, GHI allowances, one-dollar co-pay drug prescriptions and fully paid vision care: all were either initiated or vastly upgraded by Council 82 negotiators in the current contract. And that's just the frosting on a tremendous economic cake. Spell that y-o-u-r s-a-l-a-r-y.

HOW ACCESSIBLE IS COUNCIL 82 ASSISTANCE TO YOU?

Totally accessible. Through your president, shop steward or an executive board member on your shift, you can contact the Council's staff representative for your region. For questions on insurance, publications (such as the Review or assistance on local newsletters) or unusual problems, you can call Council 82 headquarters at (518) 489-8424 and talk to a union officer.

WHAT YEAR did Council 82 MISS ODAS officer.

JUST OFF THE PRESS

As of April 1, 1984, New Recruits:
\$15,052 First 13 Payroll Periods
\$15,900 Second 13 Payroll Periods

*ON RETIREMENT
WILL THEY
CORRECT THIS
THIS YEAR!*

I don't WANT TCC IN



COUNCIL 82, Security and Law Enforcement Employees

**John W. Burke
Executive Director
63 Colvin Avenue
Albany, New York 12206
(518) 489-8424**

**Richard J. Bischert
President**

That's the Truth

Governor Cuomo, in his recent address to the Public Employees Conference, described a government employee. One of his few choices for a portrait: "the government (employee) is the correction officer who isn't paid enough to walk through Auburn without a weapon among criminals who have proven their capability to kill."

And who was the governor addressing? Officers of major state public employee unions. Particularly, **your** Council 82.

Council 82



Non-Profit Org.
U.S. Postage
PAID
Permit No. 173
Albany, N.Y.

THE BOTTOM LINE

The Right Union, The Right People, The Right Stuff

R.C. Skinner
224 Riley Rd.
New Windsor, NY 12550

399

I've worked as a New York State correction officer for 26 years. Twenty-three of these years have been here in Attica. When I started out in the correctional system, we didn't have a union. Officers were underpaid and completely under management's control. Really, there was only one difference between the way they treated us and the way they treated the prisoners... They let us go home at night.

AFSCME has more than doubled our pay. The union has brought some fairness into shift assignments, grievance systems, and promotions. Above all, the union has given us a sense of dignity on the job. We're free working people, not prisoners ourselves. We've made important progress with AFSCME, but we still have a long way to go. This is one of the toughest jobs in America. I'm glad we have a tough union representing us."

—Charles Biggins
Attica Correction Officer
Recently Retired

DONT BE A TUFECO-SUCKER.!

- 1) WHO ARE THE LEADERS OF TUFECO??
- 2) DID'ENT YOU KNOW THEY ARE TREACHEROUS RACISTS. THATS RIGHT RACISTS! (KKK)
- 3) WHAT DOES TUFECO HAVE TO OFFER US BLACK AND HISPANIC OFFICERS ???

THE MAIN RACIST RING LEADERS OF TUFECO ARE - DENNIS FITZPATRICK, JAMES MORRISSEY KEVIN CASEY AND, SGT BRUCE FARRELL. THESE LAMES WERE ALL AT ONE TIME UNION LEADERS IN COUNCIL 82. (THE GANG OF FOUR)

FITZPATRICK AND, MORRISSEY BOTH SERVED AS OUR STATEWIDE CORRECTION POLICY CHAIRMAN. FITZPATRICK FROM 1978 to 1979 and, MORRISSEY from 1979 to 1981. WHAT DID THEY DO TO HELP US ADDRESS OUR PROBLEMS WITH THE ADMINISTRATION HERE IN THE N.Y. CITY AREA?? --NOTHING AT ALL, ZERO!! CASEY IS A COOPER OF FITZPATRICK AND, MORRISSEY. BRUCE FARRELL THE FORMER PRESIDENT OF DOWNSTATE LOCAL #399 IS A TREACHEROUS SOMETIMES UNDERCOVER RACIST WHO RUNS A GAME ON MINORITY OFFICERS WHEN IT SUITS HIS PERPOSE. IF YOU GO FOR THE OKLY WORK YOU ARE IN HIS POCKET. THIS GANG OF FOUR NAMED THE NYC AREA "THE PLANTATION" BECAUSE THIS IS WHERE US MINORITIES ARE MOSTLY.

IF YOU SIGN A TUFECO CARD YOU MAY BE PUTTING YOUR FUTURE WORKING CONDITIONS IN THE HANDS OF THESE RACIST BIGOTS. DONT BE SO GULLABLE AND, SO QUICK TO JUMP ON A NEW BAND WAGON THAT SOUNDS GOOD. REMEMBER " EVERYTHING THAT LOOKS GOOD IS NOT GOOD FOR YOU".

LETS LOOK AT SOME FACTS!

#1) COUNCIL 82 HAS NOT BEEN PERFECT BUT NOTHING IS! WE HAVE A LOT OF RIGHTS - WE DONT ALWAYS APPRECIATE. EVEN NY CITY CORRECTION, PD, TRANSIT PD, HOUSING PD - DO NOT HAVE THE RIGHTS AND, JOB PROTECTIONS WE HAVE. WHICH WE TAFT FOR GRANTED... THE STATE DID NOT GIVE US THESE RIGHTS IN KINDNESS, THEY WERE FOUGHT FOR.

SENIORITY	PERSONAL LEAVE DAYS	SUSPENSION UP TO 3 days WITHOUT HEARING (ART. 15)
NY STATE CORRECTION ONLY.	NY STATE CORRECTION NYCPD	NYC CORRECTION, NYCPD, NYCTP, NYCHAPD

AS YOU CAN SEE FROM THE CHART ABOVE, ONLY WE HAVE SENIORITY FOR ASSIGNMENTS AND, SHIFTS AND, TRANSFERS. ONLY US AND THE NYCPD HAVE P/L DAYS. ALL CITY UNIFORMED FORCES ARE SUBJECT TO SUSPENSIONS UP TO THREE DAYS BY A SUPERIOR, CAPTAIN OR -- ABOVE WITHOUT A HEARING OR ANY APPEAL RECOURSE. (LIKE MILITARY ARTICLE 15). A LOT OF YOU WOULD BE SUSPENDED FOR THREE DAYS EVERY WEEK, IF OUR UPPER RANKING SUPERVISORS AND, ADMINISTRATORS HAD THAT KIND OF POWER. !!

#2) TUFECO says THAT COUNCIL 82 IS RULED BY AN ELITE GROUP BY A SELECT FEW. THIS IS BULL. COUNCIL 82 RUNS BY THE LEGAL CONSTITUTIONAL RULE OF MAJORITY-RULES ! LIKE ALL REAL LEGITIMATE UNIONS. THE FACTS ARE THAT WE DOWN HERE ARE THE MINORITY, and-UPSTATE HAS THE MAJORITY. FACE REALITY- UPSTATE HAS THE BIGGEST FACILITIES AND, MORE MEMBERS. THIS WILL NOT CHANGE UNTIL THERE ARE SOME LARGE FACILITIES HERE IN NYC AREA. IF YOU BELIEVE THAT TUFECO OR ANY UNION WILL GIVE UP THE RULE OF THE MAJORITY TO GIVE US AN EQUAL VOTE WITH THEM IN RUNNING THE STATEWIDE UNION, YOU ARE LIVING IN A WORLD OF FANTASY. THE ONLY WAY WE WILL RULE IS IF WE BECOME THE MAJORITY. OR AT LEAST INCREASE OUR SIZE HERE IF WE GET MORE AND, BIGGER FACILITIES IN NY CITY.

THE LEADERS OF COUNCIL 82 ARE SELECTED BY YOUR LOCAL LEADERS, WHOM YOU SELECT BY-DIRECT VOTE. YOUR LOCAL LEADERS WITH ALL OTHER LOCAL LEADERS CAST THE VOTE OF THIER LOCALS EVERY TWO YEARS AT THE COUNCIL 82 CONVENTION. THIS IS KNOWN AS ELECTORIAL VOTE. SIMILAR TO THE WAY THE U.S. PRESIDENT IS SELECTED. BUT EVEN IF YOU HAD DIRECT VOTE IN SELECTING STATEWIDE UNION LEADERS IT WOULD NOT MAKE ANY DIFFERENCE TO US. THE MAJORITY WOULD STILL RULE. ALSO MOST MEMBERS WOULD NOT KNOW THE CANDIDATES OR ANYTHING ABOUT THEM. BEING FROM DIFFERENT PARTS OF THE STATE. YOUR LOCAL LEADERS KNOW THEM BECAUSE THEY ATTEND THE MEETINGS IN ALBANY AND, BECOME KNOWLEDGEABLE OF WHO THEY ARE AND, WHATS GOING ON. SO THEY ARE ABLE TO ACT IN THIER LOCAL MEMBERS BEST INTRESTS. THIS IS PART OF THE JOB LOCAL LEADERS ARE SUPPOSED TO DO.

SINCE TUFCA CANT AND WONT GIVE US EQUAL VOTE POWER WITH THE FACILITIES UPSTATE
WHAT CAN THEY DO FOR US???. NOT A DAMN THING BUT CAUSE US TO LOOSE THINGS WE
ALREADY HAVE.

MAKE NO MISTAKE ABOUT IT, THE RASIST LEADERS OF TUFCA HAVE NO USE FOR US BLACK
AND HISPANICS. THEY BELIEVE WE SHOULD ALL BE IN GREEN INSTEAD OF BLUE. IS --
THIS THE ORGANIZATION YOU WANT TO REPRESENT YOU???. THEY ALSO BELIEVE FEMALES--
SHOULD NOT BE ON THIS JOB. AND, AS YOU KNOW MOST FEMALE OFFICERS ARE BLACK.
NO THEY ARE NOT ADVERTISING THESE THINGS, THAT WOULD BE STUPID ON THEIR PART.
BUT -- IF THEY TAKE OVER YOU'LL FIND OUT, LIKE THE JEWS DID WHEN HITLER TOOK -
OVER GERMANY. THEY DID NOT BELIEVE IT UNTIL IT WAS TOO LATE!!.

TUFCA - IS TRYING TO ROPE US IN WITH INSURANCE AND, TAX PLANS AND, BY PROMISING
ATTORNEY SERVICES FOR ALL MEMBERS. THIS IS TOTAL PIE IN THE SKY.
IN TODAYS INFLATIONARY ECONOMY NO UNION CAN PROVIDE ATTORNEY SERVICES TO ALL
MEMBERS FOR LESS DUES THAN WE NOW PAY. AGAIN-LET'S FACE REALITY COSTS OF EVERY-
THING IS SKY HIGH. MORGAGE, RENT, FOOD, UTILITIES CLOTHES, CARS EVERYTHING.
THE EXPENCES OF RUNNING A UNION ARE NO DIFFERENT THAN ANYTHING ELSE. ANYONE-
WHO SAYS THEY CAN GET YOU MORE FOR LESS IS SELLING YOU A DREAM.

AS FAR AS ATTORNEYS ARE CONCERNED THE GOING RATE FOR AN EXPERIENCED LAWYER IS
100.00 DOLLARS AN HOUR AND, UP PLUS EXPENCES AND, COURT COSTS DEPENDING ON WHAT
KIND OF CASE IS BEING HANDLED. ONE PERSONS CASE COULD COST 5,000.00 DOLLARS -
AND, UP. IN ORDER TO INSURE GOOD LAWYERS FOR EACH MEMBER FOR ON OR OFF DUTY -
MATTERS. YOU WOULD HAVE TO PAY 50.00 FIFTY DOLLARS A PAY PERIOD FOR DUES WITH
AT LEAST THIRTY GOING INTO THE LEGAL DEFENCE FUND OUT OF THE FIFTY.
NY. CITY CORRECTION, PD, TAPD AND, HAPD PAY TWENTY FIVE DOLLARS A PAY PERIOD FOR
DUES AND, THEY STILL DONT GET THAT KIND OF SERVICE. IT'S IMPOSSIBLE.
UNLESS THEY PLAN TO USE CHEAP LAWYERS WHO JUST FINISHED LAW SCHOOL. NEWLY --
GRADUATED LAWYERS ARE HIRED BY THE STATE, LEGAL AID AND, THE DAs OFFICE. THE SAL-
ARIES THEY MAKE BASICLY SAME AS OURS. HIGHLY EXPERIENCED FEES ARE FROM \$100.0
TO \$150.00 PER HOUR PLUS EXPENCES. IF YOU WANT INDIVIDUAL ATTORNEY SERVICES -
FOR ALL PURPOSES ON AND, OFF DUTY MATTERS. YOU HAVE TO BE WILLING TO PAY A 50%
DUES INCREASE OR FORGET IT. THOSE TUFCA CLOWNS ARE INSULTING YOUR INTELLIGENCE
BY EXPECTING YOU TO BELIEVE IT CAN BE HAD FOR LESS.

#3) YOU HAVE HEARD IT BEFORE - "A UNION IS ONLY AS STRONG AS IT'S MEMBERS"!
THAT'S COLD FACT BRO! ON THE LOCAL LEVEL THE UNION IS SUPPOSED TO ENFORCE
THE CONTRACT UPON THE FACILITY ADMINISTRATION. THIS CANT BE DONE EFFECTIVELY
WITHOUT YOU- THE MEMBERS FULL SUPPORT AND, COOPERATION. YOU ARE THE UNION, UNION
IS UNITY! YOU DONT HAVE TO LIKE EVERYONE YOU WORK WITH, BUT ON THE JOB EACH-
AND, EVERY OFFICER SHOULD SUPPORT EACH OTHER. IF YOU HAVE A BEEF OR COMPLAINT
DO YOUR HOMEWORK AND, HAVE THE HEART TO BACK IT UP IN WRITING (GRIEVANCE).
JUST GIVING A VERBAL COMPLAINT TO A UNION REP DOESNT GET IT. THE LEADERS CANT
DO IT WITHOUT YOUR BACK-UP AND SUPPORT. NO MATTER WHAT UNION YOU HAVE THIS --
IS FACT. BRING IN ANOTHER UNION WONT BRING ABOUT UNITY ONLY YOU CAN!
ALL BACK-BITING AND, DIME-DROPPING MUST STOP TO HAVE UNITY WHICH IS A STRONG--
UNION ON THE LOCAL LEVEL. ON THE STATEWIDE LEVEL THE STATE KNOWS SINCE 1979
THAT COUNCIL 82 IS A TOUGH UNION TO BARGAIN WITH. WHAT WE DID IN 79 PAID OFF-
IN 82, 83 AND WILL AGAIN IN 84. READ YOUR CONTRACT ARTICLE 11. IN THE LAST NEG-
OTIATIONS THE CIVILIAN UNIONS (CSEA & PEF) GAVE BACK TWO PERSONAL LEAVE DAYS!
WHAT DID COUNCIL 82 GIVE BACK? NOTHING! THAT'S THE DIFFERENCE BETWEEN WEAK-
AND, STRONG UNIONS.

BEING AN INDEPENDENT UNION IS NOT AN ASSET WHEN YOU ARE DEALING WITH A POWERFUL
GOVERNMENT ENTITY LIKE THE STATE. ONLY ONE GOVERNMENT IS MORE POWERFUL AND, THAT
IS THE FIDS. HAVING AN INTERNATIONAL TO RELY ON FOR ASSISTANCE, SUPPORT BACKUP
IN DEALING WITH THE STATE OF NEW YORK. IS AN ASSET THAT'S WORTH PAYING FOR.
TO LEAVE THE INTERNATIONAL WOULD BE CUTTING OUR OWN THROATS. TUFCA IS ABOUT-
BEING AN INDEPENDENT IS REALY A ROWBOAT IN THE MIDDLE OF THE ATLANTIC OCEAN.

#4) THE UNION CERTIFICATION PROCESS HOW WILL IT EFFECT YOU??
THE CERTIFICATION PROCESS IS THE PROCEDURE BY WHICH PUBLIC-EMPLOYEES SELECT-
WHAT UNION THEY WANT TO REPRESENT THEM, IF TUFCA CAN PRESENT CARDS FOR 30% OF-
TOTAL STATEWIDE MEMBERSHIP. THE STATE MUST THEN HOLD AN ELECTION TO SEE WHAT
UNION WE WANT. BEFORE-ANY ELECTION COUNCIL 82 MAY APPEAL OR CHALLENGE TUFCA'S
PETITION. THIS CAN BE TAKEN ALL THE WAY THROUGH THE COURTS WHICH THE COUNCIL
WILL DO IF NECESSARY. NO MATTER WHO WINS WE LOOSE, BECAUSE THIS APPEAL CAN GO-
ON FOR OVER ONE YEAR. IN THE MEANTIME NO-NEGOTIATIONS CAN TAKE PLACE UNTIL -
THE CHALLENGE IS RESOLVED!. THIS MEANS - YOUR RAISES WILL BE DELAYED THAT LONG,
MAYBE UP TO TWO YEARS. BECAUSE ONCE NEGOTIATIONS START IT TAKES SIX MONTHS OR
MORE. IS THIS WHAT YOU WANT TO HAPPEN???. IF ENOUGH PEOPLE ARE SUCKERED INTO
SIGNING TUFCA CARDS IT WILL HAPPEN. !

WANT TO STOP IT NOW THAT YOU KNOW THE REAL DEAL. DONT BE A TUFCA-SUCKER AND,
DONT TRUST ANYONE WHO TRIES TO MAKE YOU ONE.

THIS MESSAGE IS A SERVICE OF THE BLACK-AND-HISPANIC OFFICERS CAUCUS AGAINST TUFCA

(SEE NEXT PAGE)

#5) TUF~~CO~~-PRESIDENT DENNIS FITZPATRICK AND, HIS BUDDY JAMES MORRISSEY HIRE-
THEMSELVES OUT AS PRIVATE --- NEGOTIATORS A FEW YEARS AGO!

THEY NEGOTIATED A CONTRACT FOR THE ADMINISTRATION , THATS RIGHT! FOR THE -
ADMINISTRATION, OF SOME SMALL TOWN UPSTATE AGAINST THE UNION OF THE MUNICIPAL
EMPLOYEES THERE WHO BELONG TO COUNCIL #66 OF OUR INTERNATIONAL AFSCME.
THEY MADE THEMSELVES A BIG PIECE OF MONEY AND, SHOWED WHAT THEY ARE REALY ABOUT-
THEMSELVES! THEY COMMITTED A SERIOUS VIOLATION OF THE INTERNATIONAL CONSTIT-
TION. AS A RESULT THEY WERE UNABLE TO RETAIN THIER POSITIONS IN OUR UNION AND,
HAVE BEEN ON THE CUTS EVER SINCE. THAT'S HOW TUF~~CO~~ STARTED!.. THEY BLEW THIER
CAREERS IN THIS UNION AND, THIER CREDABILITY AS TRUSTWORTHY UNION PERSONS.
DON'T THINK YOU CAN TRUST THEM NOT TO SELL OUT TO THE STATE??. PLUS THE FACT THAT-
THEY ARE RACISTS. THEY WERE PISED-OFF BECAUSE THERE WERE FOUR BLACK LOCAL PRESI-
DENTS ON THE NEGOTIATING COMMITTEE FOR THE PRESENT CONTRACT. THAT'S TUF~~CO~~.KKK.
TUF~~CO~~ IS A FRONT FOR THE KLAN AND, IT'S LEADERS ARE UNDERCOVER KLANSMEN.

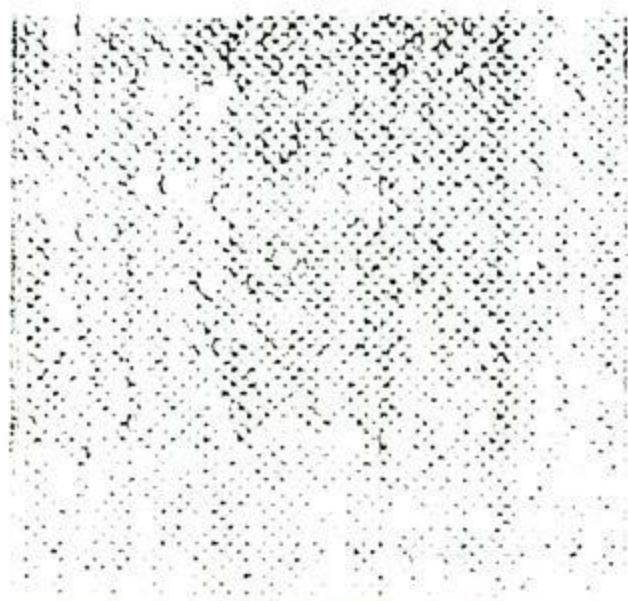
IF YOU MADE THE MISTAKE OF SIGNING A TUF~~CO~~ CARD AND, YOU WANT TO REVOKE IT.
FILL OUT THE FORM BELOW AND, GIVE IT TO YOUR LOYAL COUNCIL 82 REPRESENTATIVE.!
DO IT NOW BEFORE IT'S TOO LATE. Dont LISTEN TO ANY FOOL TRYING TO PUSH TUF~~CO~~-
AT YOU .THEY OBVIOUSLY DONT KNOW WHAT AND, WHO TUF~~CO~~ REALY IS. NOW YOU DO!..
(CUT OFF ALONG THE DOTTED LINE)

TO THE STATE OF NEW YORK PUBLIC EMPLOYMENT RELATIONS BOARD.
NAME-----LINE#-----TITLE-----
FACILITY-----

I HERBY REVOKE ANY CARD I PREVIOUSLY EXECUTED INDICATING THAT I WISH TO BE -
REPRESENTED BY THE UNION OF FEDERATED CORRECTION OFFICERS (TUF~~CO~~). I NOW CERTIFY
THAT I WISH TO CONTINUE TO BE REPRESENTED BY COUNCIL 82 AFSCME.

SIGNATURE _____

DATE _____



STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of :
STATE OF NEW YORK, :
EMPLOYER, :
AND :
THE UNION OF FEDERATED CORRECTION OFFICERS, : CASE NO. C-2825
PETITIONER, :
AND :
COUNCIL 82, AFSCME, AFL-CIO, :
INTERVENOR. :

CONSENT AGREEMENT

Pursuant to a Petition duly filed under Section 207 of the Public Employees' Fair Employment Act (herein called the Act) and pertinent Sections of the Rules of Procedure of the Public Employment Relations Board (herein called the Board), and subject to the approval of the Director of Public Employment Practices and Representation of the Board (herein called the Director), the undersigned parties hereby AGREE AS FOLLOWS:

1. A question has arisen concerning the representation for purposes of collective negotiations of the employees of the undersigned Employer within the unit or units defined in paragraph "3" below.

2. Each employee organization is an "employee organization" as that term is defined in Section 201.5 of the Act, as amended.

3. The unit or units appropriate for the purpose of collective negotiations are:

Included: Security Services Unit as presently constituted.

Excluded:

4. If an employee organization is certified, it shall be certified as an "exclusive" negotiating agent.

5. SECRET BALLOT ELECTION. An election by secret ballot shall be held under the supervision of the Director, among the employees of the undersigned Employer in the unit defined in paragraph "3" above, to determine whether such employees desire to be represented for the purpose of collective negotiations and if so, by which of the undersigned employee organizations. The election shall be conducted at a time and place to be fixed by the Director or his agent, and in accordance with the procedures and policies of the Board.

A. ELIGIBLE VOTERS. The eligible voters shall be those employees included within the unit described in paragraph "3" above, who were in the employ of the Employer on December 1, 1984, and who are so employed on the date of the election, including employees who did not work during said period because they were ill, on vacation or temporarily laid off and

employees in the military services of the United States.

At least five (5) days prior to the election, the Employer will furnish to the Director and the employee organizations accurate lists of all the eligible voters and such other records as may be necessary to the proper conduct of the election.

B. NOTICE OF ELECTION. At least twenty-four hours before the election, the Employer will conspicuously post in his premises copies of the Board's Notice of Election.

C. OBSERVERS. Each party hereto will be allowed to station an equal number of authorized observers, to be approved beforehand by the Director or his agent, at the polling places during the election to assist in its conduct, to challenge the eligibility of voters, and to witness and certify the count.

D. TALLY OF BALLOTS. As soon after the election as feasible, the votes shall be counted and tabulated by the Director or his agent. Upon the conclusion of the counting, the Director or his agent shall furnish a Tally of Ballots to each of the parties.

E. OBJECTIONS AND CHALLENGES. Objections to the conduct of the election or conduct affecting the results of the election, or challenges of the eligibility of voters, and all other questions arising out of the election, shall be determined by the Board in accordance with the Act and Rules of Procedure.

F. RUN-OFF PROCEDURE. In the event that no choice on the ballot receives a majority of the valid votes cast, the Director shall conduct a run-off election in accordance with the Board's Rules of Procedure.

G. WORDING ON THE BALLOT. The choices on the ballot will appear in the wording indicated below and in the order enumerated below, reading from left to right on the ballot, or if the occasion demands, from top to bottom.

<u>First</u>	<u>Second</u>	<u>Third</u>
Council 82, AFSCME, AFL-CIO	The Union of Federated Correction Officers (TUFCO)	Neither

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be duly executed this 20th day of December, 1984.

State of New York

 (Public Employer)
 BY Walt J. Kelly
 (Name and Title)

TUFCO

 (Employee Organization)
 BY Donna Fitzgerald
 (Name and Title)
 President

Recommended:

 (Board Agent)

Council 82, AFSCME

 (Employee Organization)
 BY Blair J. O'Connell
 (Name and Title)
 Rowley, Forrest & O'Connell P.C.

Date Approved _____

 Harvey Milowe, Director
 Public Employment Practices
 and Representation
 Public Employment Relations Board