



Law Enforcement Officers Union, Council 82

AMERICAN FEDERATION OF STATE, COUNTY and MUNICIPAL EMPLOYEES-AFI-CIO

NEW YORK STATE D.E.C. POLICE LIEUTENANTS

Local 3810

Bernard J. Rivers
President

Matthew Jacoby
Vice President-Uniform

John Burke
Vice President-BECI

Jim Hays
Secretary

Eric Tupaj
Treasurer

Executive Board Members:

John Fitzpatrick-Regions 1,2 & 3 Thomas Caifa-Regions 4,5,& 6 Peter Barton-Regions 7,8 & 9

Trustees

Tom Stoner

Todd Richards

Harold Barber

Richard Stevens & James Cullen
C/O Council 82
63 Colvin Ave
Albany, New York 12206

July 3, 2011

Dickey and Jim,

Please accept this letter as my resignation as the appointed representative of Local 3810. It was almost three years ago that I was elected, by my membership as the President of the EnCon Police Lieutenants' Local. It was also at that time that I took a seat on the contract negotiation team. While serving on the team I thought we as a team had laid out a pretty straight forward plan as to what we wanted to see to get this contract/award to a favorable conclusion for all of the ALES units.

As we are all aware of, there is a decertification process going on, a process that could have been avoided if Council had taken the time to reach out to the local presidents to address concerns that were as plain as day. Instead Council chose to ignore the signs that there was a problem brewing and even to this day Council with the help of AFSCME continues to pass the blame rather than standing up and taking its share of the blame for the catastrophic failure that has lead to this decertification process.

Judicial Panel Case Number 11-37

AFSCME on information provided by Council 82 seized the bank account(s) of all of the ALES units including that of Local 3810 and the Local(s) were placed into administratorship pending the outcome of a Judicial Hearing. At no time was I or any member of my board notified of the hearing or given an opportunity to appear before said hearing. Nor were we notified of the outcome of the hearing. I did receive a copy of the proceeding from an outside source and from what I can see the panel found issue with, a check written by Local 635 (SUNY Supervisors) to the NYSUPPBA (which to my knowledge is a separate entity from the PBANYS). Nowhere in the minutes provided to me did I see any accusation or evidence that indicated that Local 3810 or its elected board members used any funds inappropriately or that we did anything in violation of Council 82 or AFSCME By-Laws/Constitution yet because one Local out of nine was perceived to have used funds in a way that AFSCME deemed as not appropriate neither me or my board has been reinstated to our elected positions nor have we been given back control of our treasury, as I have requested and we remain in administratorship.

Closing

I am disappointed that at no time has the Executive Director of Council 82 reached out to meet with or talk to the Local Presidents to see what if anything could be done to prevent this decertification from moving forward. The hand writing has been on the wall for more than 2 years, that there was a problem brewing. What started out as a issue with one Council 82 employee has turned into a complete failure on Councils' part to recognize that there were issues that needed to be address; Furthermore I take it as a personal insult each time Council/AFSCME sends out a mailing indicating that the negotiation team (as a whole) was working against the arbitration process. What I will say is that if Council felt that there were one or two members on the team working against the interest of the membership then those parties should have been removed from the team. But the tentative agreement that was sent out to the membership for ratification should never have been agreed upon without the input from the remaining appointed negotiation team members.

Based on Councils' failures to recognized these problems and for AFSCME failure to take any corrective action, other than placing the locals into administratorship, at this time I have no choice but to step down from my position(s) and will be endorsing the Police Benevolent Association of New York State inc., to be the bargaining agent for the ALES membership.

Bernard J. Rivers former President Local 3810