



MAGAZINE

APRIL 2017

**Mayor Bill de Blasio:**  
**First in the Nation**  
**for “Progressive**  
**Jails” Last in the**  
**Nation for**  
**“Safe Jails”**

**“Medical Staff Afraid**  
**to Treat Rikers Island’s**  
**Worst Inmates; It’s**  
**Scary as Hell”**

Daily News | February 3, 2017

**“Rikers Island**  
**Inmate Slashed**  
**in Bloody**  
**Gang Attack”**

Daily News | March 17, 2017

**“Rikers Inmate**  
**Gets 8 Years**  
**for Attacking**  
**Correction**  
**Officers”**

dnaInfo | February 27, 2017

**SAFER JAILS MATTER!**

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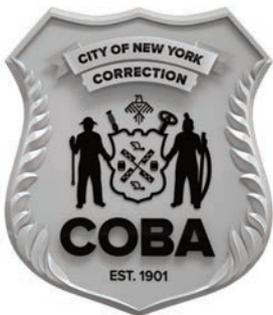
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## CORRECTION OFFICERS' BENEVOLENT ASSOCIATION, INC. "PATROLLING THE TOUGHEST PRECINCTS IN NEW YORK"

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**Shop on-line at the COBA store today!**

## PRESIDENT'S MESSAGE

# SAFER JAILS MATTER!

Dear Brother and Sister Officer:

Over the course of the last few months, you have read and heard a lot about COBA's fight to make the City's jails safer. While City Hall and the Department of Correction refuse to accept any accountability for the serious safety problems, which the Mayor's 14-point reform plan has caused, we continue to take our message to all stakeholders in the criminal justice system, regardless of their political ideology. Our message is that safer jails matter. We need safer jails now! Safer jails save lives. Safer jails are instrumental to maintaining care, custody, and control of an increasingly more violent inmate population, twenty-four hours a day, seven days a week.

On March 24, 2017, COBA won a major victory for jail safety when Justice Steven Barrett ordered one of Rikers Island's deadliest inmates, Steven Sidberry (AKA "John Doe") to an immediate jail lockdown, which included no visits, no interactions with other inmates, and no phone access. In essence, the Judge granted this lockdown in an effort to keep correction officers and others safe.

We'd called on Commissioner Ponte take to this long over-due action years ago, but Justice Barrett and Bronx DA Clark were the only ones to finally get this done. This inmate is no stranger to our jails and his victims still wear the scars from his heinous attacks. The Judge's court order is also a reminder to all those inmate advocates who foolishly called for the elimination of punitive segregation that it remains a critical tool for saving lives and maintaining safer jails.

Even though the City continues to make fewer arrests for low level crimes, we still need to confront how we deal with the most dangerous individuals who remain in our custody. Although the number of inmates in the City's jails may be down, the violence in the jails continues to rise and it shows no sign of declining.

Our question to Mayor de Blasio is at what point is he going to admit that his reforms to end jail violence have failed?

While the Mayor rejoices in an 18% reduction in the inmate population, both he and Correction Commissioner Ponte are presiding over an 18% increase in jail violence. What are the Mayor and the Correction Commissioner's plans to keep the jails safe? While the Mayor and the Commissioner appear to be in a celebratory mode, correction officers continue to face the ardent task of handling the most violent predators who the NYPD arrest and then turn over to us. We too will celebrate when the jails are a safer place for correction officers, civilians, and inmates alike. Until then, we applaud the decision of Judge Barrett, along with Bronx DA Clark, who recognize that a crime is a crime wherever it's committed.



**“In the field of human relations nothing is so important as SAFETY, for safety applies with equal force to the individual, to the family, to the employer, to the country. Safety in its widest sense, concerns the happiness, contentment and freedom of everyone. There is no mystery in safety. The important thing is to think a situation through and then apply common sense.”**

- BILL JEFFERS

I also want to share with you the reasons why it so important for all of us to unite behind the COBA and put the union first! What does “union first” mean? Union first is a call to all correction officers whether you work on Rikers Island, the Courts, the Borough Facilities, Transportation, ESU, or the Hospital Wards. Regardless of your commands, your seniority, or your duties, we all have a responsibility to support the same organization that is advocating to make the jails safer for correction officers; that is negotiating better health benefits and higher wages; and pushing for legislation in the City

Council and in Albany to preserve our pensions and protect our employment rights.

We cannot, as the second-largest law enforcement union in New York City, take for granted that we must continue to fight to preserve the wages and benefits that have taken us years to attain. The Executive Board and I are committed to staying in the ring and taking the punches to ensure the rights of all correction officers in this city are protected. But in order for us to be successful, we need every single officer to remain steadfast in our corner.

We will continue to keep you informed about the latest news that impacts you and your family. Stay up to date with COBA by following us on Facebook, Twitter, and the COBA website [www.cobanyc.org](http://www.cobanyc.org).

Sincerely,



Elias Husamudeen  
President



**8<sup>th</sup> Annual**  
RETIREE  
**Luncheon**

**WEDNESDAY | MAY 03, 2017**  
**12:00 PM TO 5:00 PM**

**DUE TO LIMITED SPACE COBA RETIREES  
MUST REGISTER TO ATTEND.**

SCAN TO REGISTER  
[WWW.COBANYC.ORG/8TH-LUNCHEON](http://WWW.COBANYC.ORG/8TH-LUNCHEON)

**NO GUESTS ALLOWED. ONLY MEMBERS WITH ID'S ARE ALLOWED.**

# COBARADIO

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AM 970

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First time on **AM970**, New York has

**"THE BOLDEST HOUR"**

Tune in on **Sundays** each week at

**11AM**

with your host COBA President

**Elias Husamudeen**



**AM970**

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**The Chief**  
THE CIVIL EMPLOYEES' WEEKLY  
Civil Service LEADER  
**Young and Lawless Inmates Out of Solitary But Into Chain of Fools**  
A battle is brewing between the city Department of Correction and its violent-prone inmates, should be prevented from attacking officers going to get his jaw broken.  
[But] we have to do something, and the problem is nobody wants to give an answer as to what do we do with them. How do we prevent them from killing each other? But Bryan Hovell, a member of the Board of Correction, which oversees Rikers Island and other jail facilities, said, "The young adults, at this point, would prefer to be in solitary confinement, which is horrific."

**DAILY NEWS**  
EXCLUSIVE: Correction boss reminds jail staff they can use force to stop inmate violence

**DAILY NEWS**  
NEW YORK DAILY NEWS UPDATED: FRIDAY, MARCH 17, 2017, 12:23 AM  
**RIKERS ISLAND INMATE SLASHED IN BLOODY GANG ATTACK**  
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Civil Service LEADER  
**Slasher of Rikers by Mad COBA Cutting Up Ponte**  
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**DAILY NEWS**  
NEW YORK DAILY NEWS THURSDAY, MARCH 16, 2017, 6:08 PM  
**Brooklyn DA Eric Gonzalez picks up first law-enforcement union endorsement**  
The Brooklyn District Attorney picked up his first law-enforcement union endorsement Thursday.  
The city's Correction Officers Benevolent Association said it will back the Acting DA in the primary and general election.  
That's good news for Eric Gonzalez, 48, who has to beat County after his boss, Ken Thompson, died Oct. 9 at age 50 after a brief battle with colorectal cancer.  
Gonzalez, 48, was appointed Acting DA for King's County after his boss, Ken Thompson, died Oct. 9 at age 50 after a brief battle with colorectal cancer.  
"Now more than ever, it is imperative that Ken's commitment to justice and public safety lives on," said Thompson's historic run three years ago.  
The board is reviewing at least 100 more cases. Four Democrats have already signaled they will support Gonzalez, who has never run for office before. Alma Dvlinoh, a former assistant district attorney, term-limited councilman Vincent Gentile, former head of the city Human Rights Commission Patricia Gaiting, and Marc Fleisher, another former prosecutor.

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**LY NEWS**  
**Medical staff afraid to treat Rikers worst inmates; 'It's scary as hell'**  
Medical staff at Rikers Island are afraid to treat the most violent inmates, saying it's "scary as hell" and "like a war zone." The staff, who are often overworked and underpaid, are also facing a shortage of medical supplies and equipment. Some staff members are even being threatened by inmates who are angry about their conditions. The situation is so dire that some medical staff are leaving the job or working in fear.

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# COBA BREAKING NEWS





ON OCTOBER 23, 2016, A GROUP OF YOUNG ADULT INMATES ON RIKERS ISLAND RUSHED SIX CORRECTION OFFICERS IN AN ATTEMPT TO TAKE ONE HOSTAGE.

> A CORRECTION OFFICER WAS MURDERED IN DELAWARE

Think What Happened in Delaware, Can't Happen in NYC?

Think Again!

## THE WRITING IS ON THE WALL

**Delaware:** On February 1, 2017, inmates at The James T. Vaughn Correctional Center in Delaware led an uprising, creating a 24 hour hostage situation. During this crisis, a 17 Year Veteran Correction Officer was killed by these inmates who had been practicing this threat for weeks.

**New York City:** At Rikers, we have the same conditions in our jails that existed in Delaware. Prior to the hostage takeover, inmates in Delaware constantly challenged the system. We have inmates who challenge the highest ranking uniformed members of the Department. We have inmates who have attempted to take uniformed members hostage. We have inmates who have surrounded Correction Officers. We have inmate gangs who have assaulted Correction Officers. All of these threats have gone unanswered. We have our very own Delaware powder keg and it's about to explode!

# We Keep Our City SAFE. When Will Our City Protect US?



**Correction Officers' Benevolent Association, Inc.**  
"PATROLLING THE TOUGHEST PRECINCTS IN NEW YORK"

Elias Husamudeen, President

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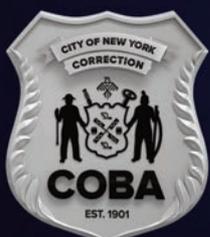
# In New York City A Crime is a Crime No Matter Where It's Committed Except on Rikers Island

CRIMES ON RIKERS ISLAND ARE NOT TREATED THE SAME AS CRIMES IN THE STREETS OF NEW YORK, COMPROMISING THE SAFETY OF THE CORRECTION OFFICERS WHO WORK THERE.



If Mayor de Blasio and Commissioner Joseph Ponte continue to fail at their job, which is to keep the jails safe for EVERYONE, it will be only a matter of time before a Correction Officer is killed by the hands of an inmate. Except the Officer's blood will not only be on the inmate's hands, it will be on the hands of the Mayor, the Commissioner, and any other lawmaker who continues to put politics ahead of public safety.

## We Keep Our City SAFE. When Will Our City Protect US?



**Correction Officers' Benevolent Association, Inc.**

**"PATROLLING THE TOUGHEST PRECINCTS IN NEW YORK"**

Elias Husamudeen, President

# WHAT THE NUNEZ SETTLEMENT MEANS FOR NEW YORK CITY CORRECTION OFFICERS



Nunez v. City of New York is a lawsuit filed during 2011 in which the Legal Aid Society and two private law firms alleged both individual acts of brutality by Department of Correction officers and supervisors against eleven inmates and across the board violations of federal constitutional guarantees regarding use of force by the Department.

While Nunez was pending, the United States Attorney in the Southern District of New York was conducting its own investigation into certain departmental operations,

specifically, the treatment, including use of force against, adolescent inmates under the Civil Rights of Incarcerated Persons Act ("CRIPA"). On August 4, 2014, the US Attorney issued a highly critical report including sharp condemnation of the use of force against adolescent inmates. On December 18, 2014, the US Attorney filed a motion to intervene in the Nunez lawsuit. That motion was granted and, with the US Attorney as a party, the case was settled in principle during June, 2015 with the settlement being memorialized as a Consent Judgment and finalized by court order on October 21, 2015.

**UNDER THE CONSENT JUDGMENT, THE DEPARTMENT IS REQUIRED TO MAKE CHANGES IN A HOST OF AREAS INVOLVING USES OF FORCE INCLUDING:**

- > **The type of force which may be used,**
- > **The circumstances under which force may be used, both in anticipated and spontaneous use of force scenarios,**
- > **Mandatory disciplinary penalties for excessive use of force,**
- > **Rules regarding the reporting of use of force,**
- > **Mandatory disciplinary penalties for false statements in use of force reports**
- > **Monitoring each uniformed employee's uses of force and use of such monitoring to trigger mandatory counseling as well as use of such monitoring in evaluation for promotion and assignment to special units,**
- > **Adoption of an anonymous reporting system for reporting uses of force,**
- > **Modifications in the respective roles of commands and the Investigation Division in evaluating uses of force,**
- > **Modifications in training in use of force including mandatory training on,**
- > **Restrictions on re-arresting inmates and on inmate discipline,**
- > **Restrictions on supervision and housing of adolescent inmates,**

The Consent Judgment requires the appointment of an outside Monitor supervised by the court with mandatory reporting to the court on a set schedule. The monitor is required to assess compliance with each substantive provision of the Consent Judgment using the terms substantial compliance, partial compliance or noncompliance. The monitor has a staff headed by an assistant monitor, who happens to have been one of the attorneys for plaintiffs in the Nunez litigation, all of which is paid for by the City. Two reports have thus far been issued with the Monitor, Steven J. Martin, finding that the Department is largely in compliance with the Consent Decree and with modified deadlines established by the Court.

The Consent Judgment also requires the adoption of a new Use of Force Directive to replace Directive 5006R-C that includes many of the requirements of the Judgment with respect to force tactics, circumstances when force may be used, the level of force that may be used, the use of equipment during a use of force, use of force reporting as well as other requirements.

During November, 2015, COBA learned that the department was circulating a draft modified use of force directive, Directive 5006R-D. That directive was issued with an effective date of November 20, 2015. On December 15, 2015, COBA filed an improper practice charge with the New York City Office of Collective Bargaining requesting the Board of Collective Bargaining seek injunctive relief preventing the imposition of the Directive and certain provisions required by the Nunez Consent Judgment on the grounds that the City failed to bargain prior to imposing these new terms and conditions of

employment on COBA members. The Board refused to seek injunctive relief and parties exchanged pleadings during January and February, 2015. A pretrial conference failed to resolve the dispute and hearings began during November, 2016.

Since that time, COBA had presented four witnesses. COBA President Elias Husamudeen testified as to the demands to bargain issued by COBA to the department and to the City of New York, all of which were ignored. He also refuted allegations of bargaining raised in the City's Answer. Two COBA delegates and one COBA Executive Board member also testified as to changes in training, in defensive tactics, use of force training and with respect to cell extractions, disciplinary practices, and the confusion that officers and supervisors have expressed during training sessions and other discussions. On Monday, January 23, 2016, the unions for the Correction Captains and the Deputy Warden/Assistant Deputy Warden notified the Office of Collective Bargaining of their intent to move to intervene.

In addition to the Improper Practice charge, COBA has engaged in bargaining with the City over the content of the disciplinary guidelines called for by the Consent Judgment. Specifically, the Consent Judgment requires the mandatory penalties discussed above to be expressed in a written guideline to be used by the department in use of force and use of force related disciplinary cases. COBA's attorneys have had several discussions with Office of Labor Relations representatives and there have been some concessions in this regard. A final document from the City is expected during late January or early February.

## COBA's New Health Corner

# Prevention and Detection of Heart and Lung Disease is the Number One Health Concern of Our Membership



As you know there is a high incidence of coronary artery disease and other diseases amongst our membership. While we debate who should be responsible for our health, for many of us the debate may be too late.

Your President and Executive Board believe that a more proactive initiative would help the membership in identifying the early stages of many of these diseases.

Our goal is to address these issues before they become problems. We are encouraging every member to have this health-screening exam.

An arrangement has been made with Inner Imaging, P.C. In this arrangement our active and retired members and their spouses can take advantage of the substantial subsidy offered. Offered to men and women over 35 years of age.

**COBA has negotiated a substantial discount so the out-of-pocket cost for members is only \$375. (The regular cost of these tests is approximately \$1,000)**

#### Five tests that screen for:

- For Heart Disease
- For Lung Disease
- Cancer Screening
- Screening for Diabetes
- For Diseases in the Abdomen and Pelvis

\*Your test results will be completely confidential.

#### Coronary Artery Disease Facts:

This disease kills more people than shootings stabbings and the next three leading causes of death combined. More than 1.6 million people suffer heart attacks. Over 30% fatally, every year as a result of coronary artery disease. 68% of these sudden heart attacks are in arteries that are less than 50% blocked and can not be detected with traditional nuclear stress testing.

Traditional risk factor analysis by most doctors only account for 50% of heart attacks.

**The EBT heart scan can identify coronary artery disease as much as two decades before symptoms occur with an accuracy of 98-99%.**

#### Radiation Facts:

The EBT Heart Scan has the lowest radiation available at .5 millisieverts. When compared with conventional CT, EBT is between 8 and 22 times less depending on the type of CT. .5 mSv is equal to 2 months of radiation from the sun or 8 round trip flights to CA. EBT does not circumnavigate the body so that breast tissue is never directly exposed. Exposure is from shoulder to shoulder across the back in a 210 degree arc.

#### Lung Cancer Facts:

Lung cancer is the leading cause of cancer deaths in the United States.

Electron Beam Tomography (EBT) Low-Dose Lung scanning is 10 times more sensitive than a regular chest X-ray, and can detect the early development of lung diseases. The current survival rate of lung cancer is 12-15%. Early detection of lung cancer with EBT scanning can potentially change the survival rate to greater than 88%.

#### Abdomen and Pelvis Facts:

Given the conditions in which we work we have added these two tests. These two tests are used to identify early disease in those organs of your abdomen and pelvic area.

**The purpose of making these tests available is to help you remain healthy. Help us, to help you, by calling Inner Imaging at 212-777-8900 and ask for Idalia or Alicia for an appointment or visit them at - [innerimagingnyc.com](http://innerimagingnyc.com) - Located at 307 East 63rd Street, New York, NY 10065**

# Why Correction Officers and Their Families, Friends, and Neighbors Should Reject A Constitutional Convention



On Nov. 7, 2017, New York voters will be asked to weigh in on a question of vital importance: “Shall there be a convention to revise the constitution and amend the same?” It’s a question with extremely high stakes for Correction Officers and other public employees because a constitutional convention could open the door to attacks on a range of rights and benefits now enshrined in the state constitution. As they have in the past, voters should reject it.

Here’s a Q&A to give you the background and information you need to know.

## Why will New Yorkers be asked in November to vote on whether to hold a constitutional convention?

The state constitution requires that this question appear on the ballot every 20 years; the question does not arise from public need or demand.

## Is a convention the only way to modify the state constitution?

No, state lawmakers may propose constitutional amendments, which must pass in two consecutive legislative sessions and then be sent to voters for final ratification.

## Why is it a bad idea to hold a constitutional convention?

A constitutional convention is unlimited in the scope of what it could change. This would place New York State’s rights and protections at risk of alteration or elimination, including the guarantee of a free public education, a prohibition against aid to non-public schools and the right to Workers’ Compensation. The right to unionize and bargain collectively and state requirements regarding pensions and social welfare could also wind up on the chopping block.

## When did New York last hold a constitutional convention?

The last constitutional convention was held in 1967; it was widely considered wasteful and harmful. Voters rejected its proposals. Since then, the option to hold another convention has appeared on the ballot twice, in 1977 and 1997. Voters rejected the proposal both times.

## Why does a constitutional convention pose a particular threat to COBA members and other public employees?

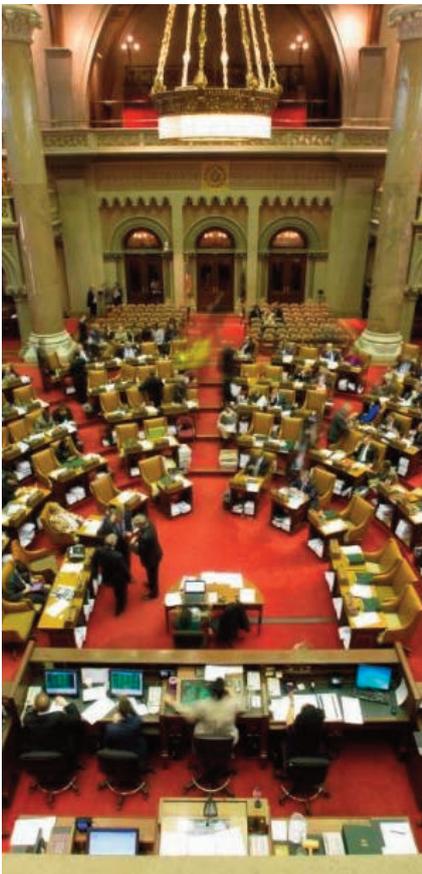
A constitutional convention could undermine the retirement security of public employees. The state constitution currently protects public employee pensions from being “diminished or impaired.” In addition, the constitution says the Tax-Deferred Annuity Program must guarantee a fixed rate of return — a critical fourth pillar of retirement security for COBA members, along with Social Security, a defined-benefit pension and health insurance. These protections could be eliminated if a convention opens up the constitution for revision.

## What would the next steps be if voters approved a constitutional convention?

If New Yorkers vote yes to a constitutional convention, three delegates from each of the 63 state Senate districts, plus 15 at-large delegates, would be elected on Nov. 6, 2018. The convention would convene on April 2, 2019, and the delegates would meet for as long as they deem necessary. The delegates would pay themselves a salary, set their own rules and hire their own staff. New York State League of Women Voters says a convention is estimated to cost \$300 million. Any constitutional amendments passed at the convention would then go to voters for ratification.

# 2017 COBA LEGISLATIVE AGENDA

Below is a list of the legislation which the COBA is seeking to introduce in the 2017 legislative session in Albany.



## SECURITY GUARD WAIVER BILL

This bill removes the requirement for Correction Officers to take a 40 hour course to attain a New York State Security Guard License.

## FREE LIRR TRANSPORTATION BILL

This bill would grant free transportation on the LIRR for all NYC Correction Officers.

## FREE MTA TRANSPORTATION BILL

This bill would grant free transportation on all NYC buses and subways for all NYC Correction Officers.

## POLICE OFFICER STATUS BILL

This bill would give NYC Correction Officers Police Officer status.

## MAXIMUM AGE BILL

This bill would make the maximum age at the date of appointment at 35 years old.

## COBA PRESIDENT NYCERS TRUSTEE BILL

This bill would make the COBA president a member of NYCERS Board of Trustees.

## DEFERRAL OF VACATION DAYS BILL

This bill would permit for the deferral of five vacation days to be used as a monetary value.

## RETURN MEMBER CONTRIBUTION AFTER 15 YEARS

This bill returns a COBA member's pension contributions if they retire on a disability retirement after 15 years of service.

## LUMP OUT PAYMENT OF ALL TIME BILL

This bill would provide COBA members with the option of taking a monetary payment in lieu of vacation and compensatory time upon their retirement.



## BORROW AMC PENSION LOAN BILL

This bill allows Tier III Correction Officers to take a pension loan and borrow against all pension contributions.

## REMOVAL OF EARNING RESTRICTIONS ON DISABILITY RETIREMENT BILL

This bill removes earning restrictions from certain disability retirements for NYC Correction Officers.

## ORDINARY DISABILITY NO TIME REQUIREMENT BILL

This bill would remove the 10 year service requirement to receive an ordinary disability requirement.

## CONSECUTIVE SENTENCES FOR ASSAULT OF A CO BILL

This bill would make it mandatory for any inmates who assault a NYC Correction Officer to serve consecutive sentences if convicted.

## HATE CRIME BILL

This bill would make any assault conviction on a NYC Correction Officer, Police Officer, EMT, or Firefighter a Hate Crime.

## TIER VI PENSION LOAN BILL

This bill allows Tier VI Correction Officers to take pension loans.

## TIER VI REMOVAL OF OVERTIME CAP BILL

This bill would remove the \$15,000 pensionable overtime cap for Tier VI members.

# IMPORTANT MESSAGE FOR ALL TIER VI MEMBERS! YOU MUST FILE ELECTION FORM #194 WITH NYCERS BY JUNE 30, 2017. THIS FORM CAN ALSO BE FOUND ON NYCERS WEBSITE WWW.NYCERS.ORG



## Correction 22-Year Plan Enhanced Disability Benefit Fact Sheet

December 2016

This fact sheet describes the benefits and obligations of the Enhanced Disability Benefit program (EDB), available to participants in the Uniformed Correction Force 22-Year Plan (CF-22 Plan).

### VOLUNTARY PARTICIPATION

In order to elect the EDB, you must meet the following requirements:

1. Be a participant in the CF-22 Plan between April 1, 2012 and December 31, 2016.
2. File Election Form #194 with NYCERS by June 30, 2017 (Form #194 will be available on NYCERS' website -- [www.nycers.org](http://www.nycers.org) – as of January 1, 2017 and CANNOT be filed prior to that date).

**ONCE YOUR ELECTION IS RECEIVED BY NYCERS IT CANNOT BE REVOKED.**

### MANDATORY PARTICIPATION

Uniformed Correction Force members who become participants in the CF-22 Plan on or after January 1, 2017 will automatically be enrolled in the EDB.

### CONTRIBUTIONS

In addition to Basic Member Contributions (BMCs) of 3% of gross wages, participants in the EDB are required to pay the following Additional Member Contributions (AMCs) from the plan effective date (January 1, 2017) until retirement:

- ▶ 0.8% of gross wages

ON JUNE 30, 2019 THE AMC RATE WILL BE REVIEWED TO DETERMINE IF THIS AMOUNT FULLY FUNDS THE BENEFIT. ANY CHANGES WILL BE PROSPECTIVE.

AMCs are maintained in the Retirement Reserve Fund (RRF). AMCs are Federal tax-deferred for **mandatory** participants of the EDB (Uniformed Correction Force members who become participants in the CF-22 Plan on or after January 1, 2017), meaning that you do not pay Federal taxes on the contributions, only New York State and local taxes. AMCs are **NOT Federal tax-deferred** for CF-22 Plan participants who voluntarily ELECT the EDB. AMCs are not refundable or transferrable to another public retirement system within New York State.

Note: Contributions made while on Union Leave are **not** Federal tax-deferred for either voluntary or mandatory participants in the EDB.

### ENHANCED DISABILITY RETIREMENT BENEFIT

EDB participants who become physically or mentally incapacitated and can no longer perform the duties of their job may be eligible for either an Ordinary Disability Benefit or an Accidental Disability Benefit.

**Ordinary Disability Benefit:** You are eligible for an Ordinary Disability Benefit if you have at least five years of Credited Service and have been found to be disabled by the Social Security Administration. The benefit is equal to the greater of:

- ▶ 1/3 of Final Average Salary (FAS) **or**
- ▶ 2% times FAS times years of Credited Service, but not in excess of 22 years of such service

**Disability Retirement RSSL §507-a:** You are eligible for a disability retirement benefit if you either have 10 or more years of Credited Service or if your injury is caused by an on-the-job accident. The benefit is equal to the greater of:

- ▶ 1/3 of Final Average Salary (FAS) **or**
- ▶ 1.67% times FAS times years of Credited Service, **or**
- ▶ If eligible to retire for service, the service retirement benefit if greater than the aforementioned calculations.

**Accidental Disability Benefit:** You are eligible for an Accidental Disability Benefit if you are awarded Primary Social Security Disability Benefits or are found to be disabled by the NYCERS Medical Board, and the Board of Trustees determines that the disability (as determined by the Social Security Administration or the NYCERS Medical Board) is the natural and proximate result of an accident not caused by your own willful negligence. The benefit is equal to:

- ▶ Sixty (60) percent of the member's Final Average Salary less:
- ▶ 50% of the Primary Social Security Disability Benefit, if any and
- ▶ 100% of any Workers' Compensation benefits payable.

#### **PERFORMANCE OF DUTY DISABILITY RETIREMENT:**

Act of an Inmate: You are eligible for an Accidental Disability Benefit if you become physically or mentally incapacitated for the performance of duties as a natural and proximate result of an act of an inmate. EDB participants who are approved for disability under this law are entitled to a disability benefit equal to 75% of FAS.

World Trade Center Law: If you qualify for an Accidental Disability Benefit pursuant to the World Trade Center Law, your benefit will be equal to 75% of Final Average Salary. NOTE: To qualify for an Accidental Disability Benefit under the World Trade Center Law, you must have been a member of NYCERS or another public retirement system within New York State on or before September 11, 2001 and have filed a Notice of Participation with NYCERS by September 11, 2018.

Heart Law: All EDB participants are entitled to the Heart Law presumption. This law provides a presumption that certain diseases of the heart were incurred in the performance of duty. CF-22 Plan participants in the EDB who are approved for disability under the Heart Law are entitled to a disability benefit equal to 75% of Final Average Salary. This presumption may be rebutted by competent medical evidence.

Hepatitis, AIDS and Tuberculosis (HAT) Law: All participants in the EDB are entitled to the HAT Law presumption. The HAT Law provides that a participant who contracts HIV (where he or she may have been exposed to bodily fluids of an inmate or a person confined to an institution under the jurisdiction of the NYC Department of Correction or Department of Health), tuberculosis or hepatitis, will be presumed to have contracted such disease in the performance and discharge of duty. CF-22 Plan participants in the EDB who are approved for disability under this law are entitled to a disability benefit equal to 75% of FAS. The presumption may be rebutted by competent medical evidence.

**NOTE: ALL PERFORMANCE OF DUTY DISABILITY BENEFITS** are reduced by 100% of the annual payment from the Workers' Compensation Board. Performance of Duty Disability benefits are not reduced by any Social Security benefits received for the same disability.

#### **FINAL AVERAGE SALARY (FAS)**

FAS is defined as the average of wages earned by a member during any five consecutive years which provide the highest average wage. However, wages earned during any year used in an FAS calculation cannot exceed the average of the previous four years by more than 10 percent.

#### **COST-OF-LIVING ADJUSTMENT (COLA)**

Disability retirees who have been retired for at least 5 years are eligible for an annual Cost-of-Living Adjustment (COLA) pursuant to New York City Administrative Code §13-696, **not** the escalation pursuant to Retirement and Social Security Law §510.

#### **Correction Force 22-Year Plan Enhanced Disability Benefit Fact Sheet #731 - Page 2**



340 Jay Street, Brooklyn, NY  
Mezzanine level



335 Adams Street, Suite 2300  
Brooklyn, NY 11201-3724



(347) 643-3000



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**Enhanced Disability Benefit Election –  
22-Year Plan Uniformed Correction Force Members**

This application is for members of the Uniformed Correction Force 22-Year Plan (CF-22) who wish to elect the Enhanced Disability Benefit (EDB) program. The effective date of the EDB is January 1, 2017. (Correction Force members who become participants in the CF-22 Plan on or after January 1, 2017 will automatically be enrolled in the Enhanced Disability Benefit program and do not need to file this form.)

In order to elect the EDB you must meet the following requirements:

1. Be a participant in the CF-22 Plan between April 1, 2012 and December 31, 2016.
2. File this application while in active service, which includes military service, unpaid sick leave, or sick leave as long as the member is not working in another title.
3. File this application with NYCERS no later than June 30, 2017.

Please see the Terms on the next page for details on this program.

Member Number	Last 4 Digits of SSN	Home Phone Number (   )	Work Phone Number (   )
First Name		M.I.	Last Name
Address			Apt. Number
City		State	Zip Code

**ONCE THIS ELECTION IS RECEIVED BY NYCERS IT CANNOT BE REVOKED.**

**I understand that in order for this election to be valid, I must:**

1. Have become a participant in the CF-22 Plan between April 1, 2012 and December 31, 2016.
2. File this application while in active service, which includes military service, unpaid sick leave, or sick leave as long as the member is not working in another title.
3. File this application no later than June 30, 2017.

I hereby elect to participate in the Enhanced Disability Benefit program for 22-Year Plan Uniformed Correction Force members and to contribute to NYCERS for the right to receive an Enhanced Disability Benefit under this program. I also understand that this election is IRREVOCABLE.

Signature of Member	Date
---------------------	------

**This form must be acknowledged before a Notary Public or Commissioner of Deeds**

State of \_\_\_\_\_ County of \_\_\_\_\_ On this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, personally appeared  
before me the above named, \_\_\_\_\_, to me known, and known to  
me to be the individual described in and who executed the foregoing instrument, and he or she acknowledged to me that he or she  
executed the same, and that the statements contained therein are true.

Signature of Notary Public or Commissioner of Deeds \_\_\_\_\_

Official Title \_\_\_\_\_

Expiration Date of Commission \_\_\_\_\_

If you have an official seal, affix it

**Sign this form and have it notarized, THIS PAGE**

R02/17

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Long Island City, NY 11101





Mail completed form to:  
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## TERMS

In addition to Basic Member Contributions of 3% of gross wages, CF-22 Plan participants in the EDB program are required to pay Additional Member Contributions (AMCs) of 0.8% of gross wages from the plan effective date (January 1, 2017) until retirement. AMCs are **not Federal tax-deferred** for CF-22 Plan participants who elect the EDB. AMCs are not refundable or transferrable to another public retirement system within New York State.

ON JUNE 30, 2019, THE AMC RATE WILL BE REVIEWED TO DETERMINE IF THIS AMOUNT FULLY FUNDS THE BENEFIT. ANY CHANGES WILL BE PROSPECTIVE.

**Ordinary Disability Benefit:** You are eligible for an Ordinary Disability Benefit if you have at least five years of Credited Service and have been found to be disabled by the Social Security Administration. The benefit is equal to the greater of:

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Terms



# COBA IS VERY PROUD TO SUPPORT THE BOLDEST SPORTS PROGRAM!



The Boldest Sports Program is comprised of Basketball, Hockey, Football, Soccer, Boxing and most recently, Cricket. The teams participate in many charity events and travel as far away as Ireland, to participate in their respective events.

Every year the basketball program participates in the **Battle of the Badges** with teams from as far West as Los Angeles and as far East as Connecticut. Our Football program participates in the National Law Enforcement League where the play teams who they've been able to form great relationships with around the country. After only three seasons our Hockey Team has made quite a name for themselves on the Law Enforcement circuit. And to take nothing away from our boxing team, we've got officers that can give as good as they get and have given our counterparts in the NYPD a run for their money!

COBA is very proud to support the Boldest Sports program. Our goal is to build the morale in the Department by interacting with each other on a social and more personable level.

In addition, the soccer and football teams will be going to Ohio in April to compete against Ohio police and fire teams and the traveling basketball teams will be heading out to Atlanta to participate in the annual "**Battle of the Badges.**"

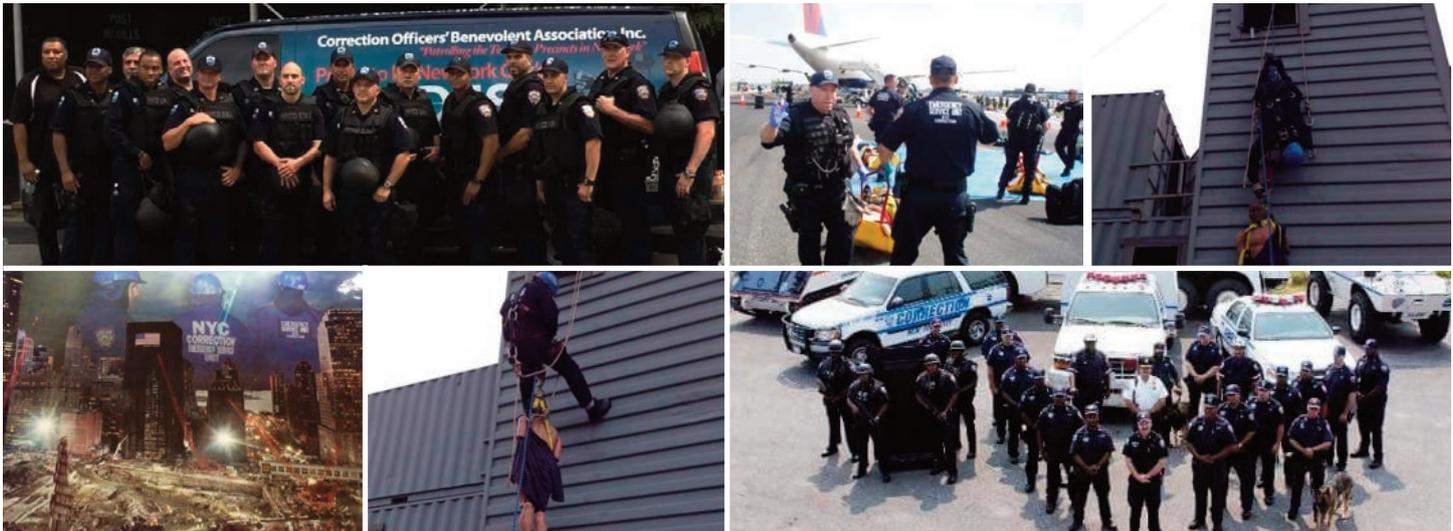
We encourage all officers to come out and support all of our teams in their upcoming events. Visit the COBA website at [www.cobanyc.org](http://www.cobanyc.org) for the full list of the teams' schedules.

**"A little competition never hurt anyone."**



# THE NEW YORK CITY DEPARTMENT OF CORRECTIONS EMERGENCY SERVICE UNIT (ESU)

## THE “911” EMERGENCY RESPONSE TEAM IN THE NYC DEPARTMENT OF CORRECTION



Can you imagine New York City without a 911 Emergency Response System? For the Department of Correction, our 911 is ESU. Among the Department's best trained staff, ESU serves as an emergency service response whenever a particular facility or command does not have the resources, training, or specialized equipment to resolve a particular situation. Listed below, ESU can provide the following services to the City of New York and the NYC Department of Correction and all of its commands.

- > Advanced Firearms training (along with the firearms and tactics unit)
- > Air Disaster Responses
- > Ballistic Teams
- > Chemical Agents Teams
- > Chemical Agents Training
- > Confined Space Rescue
- > Cooperative Training with Federal, State, and other local agencies.
- > Cooperative responses with Federal, State, and other local agencies.
- > Department Wide Security Equipment testing and evaluating.
- > Department Wide Issuance of Chemical Agents, Inventory and Control.
- > Elevator Rescue
- > Emergency and Specialized Equipment.

- > Emergency Lighting.
- > Emergency Medical Response (certified EMT's)
- > Emergency Services Presentations.
- > Executive Protection Teams
- > Energetic Materials Response
- > Specialized Extraction Teams
- > Forced Entry Tactics
- > Hazardous Material response
- > High Angle Rescue
- > High Security Transports
- > Rapid Response Teams 24/7
- > Recruit / In-service Training
- > Major and Minor Disturbances
- > Protester Response
- > Sniper/ Surveillance and Special Weapons Teams
- > Tactical Searches
- > Water Rescue

### HISTORY OF E.S.U.

In the Fall of 1987, The Emergency Response Unit was created to replace C.E.R.T. Correction Emergency Response Unit. The inception of ERU happened amidst a highly contentious atmosphere during October of the preceding year.

CERT had been activated on a daily basis during the first week of October 1986, responding to various facilities that were experiencing increased, inmate uprisings. As tensions mounted between staff and inmates, frustration was evident. This was mainly attributed to an alleged unnecessary use of force that was observed by members of the New York State Commission of Correction. The

New York City Board of Correction brought criticism against CERT, primarily focused in the areas of professionalism, organization/ chain of command, documentation, and training methods which were under scrutiny, as well as riot response techniques.

Understanding the need for significant changes in emergency response operations, then Commissioner Richard Koehler and Chief of Operations Thomas Murray, created a small cadre of full time response staff, ERU. The unit progressed beyond the old concept of “HAT AND BATS” obtaining a new level of training and professionalism consistent with the needs of the Department. Supervisory staff were available for the first time ever 24/7. Command level orders were developed and written documentation implemented in key areas and enhanced training was developed.

In the early 1990’s, when the inmate population appeared to be subdued, the unit suffered due to budget constraints that resulted in a decrease in staffing and a growing inmate population. The correction unions embarked on a massive media campaign, describing Rikers Island as a “POWDER KEG READY TO EXPLODE” which ironically sounds like today. Subsequently, First Deputy Commissioner Bernard Kerik and Eric Taylor, the Chief of Department, respectively, conducted a thoughtful assessment of both the Department’s needs in the areas of emergency services and expansion and progression for ERU. Consequently, significant changes occurred, such as:

- **Established training priorities,**
- **Increased staffing levels,**
- **New and updated equipment,**
- **Restructuring the support team,**
- **Restructuring Permanent staff (added more staff)**
- **Established emergency call out procedures,**

In addition, the beginning of the Rapid Response Team concept was established. This included specialized extraction and search teams and highly trained specialty skills teams.

In 1997, with all of the preceding in place, THE EMERGENCY SERVICE UNIT was established in what we are today, a full time very professional Emergency Service Unit (ESU).

This is indicative of the evolution of this Department and its emergency services. Without question, the rapid response team is the heart of ESU. From CERT to ERU to ESU/RRT has taken place in the Department and now has a team on 24/7 that can adequately respond to any emergency throughout the Department and the City of New York.

Emergency Services have increased with respect to jobs and incidents resolution. ESU is more than a response team to the Department and NEW YORK CITY, we have responded to major and minor disturbances, barricades, ballistic searches (confirmed shooting in the jails) bomb threats, weapons of mass destruction jobs, building collapses in lower Manhattan, over-turned vehicles, vehicles accidents, medical responses for all staff and visitors, power outages, gas leaks, water leaks, weather emergency, planes crashes, yards disturbances, confined spaced rescues, major fires, smoke conditions, confirmed escapes, protesters, bridge obstructions, vehicle breakdown, hostage rescues, the **World Trade Center attacks on 9-11, the crash of Flight 587**, restraint removal, tactical search operations, task force searches, divisional searches, special searches, redeployment searches, routine ESU searches, inmate slashing, crime scene security, executive protection details, M.O.S. security details, and facility patrols.

We stabilized the following facilities GRVC, MDC, BKDC, OBCC, GMDC. We staffed and stabilized problematic housing areas in the following facilities MDC, NIC, GRVC, and OBCC & WEST FACILITY. We assisted with the Department-wide new lock in protocol.

We were in the NYC 2003 power outage, Hurricane Sandy & Hurricane Katrina response city wide. These are just a few jobs and assignments that come to mind.

The Emergency Service Unit has significantly increased its search operations to help reduce department wide violence and contraband levels in the facilities.

**ESU has searched a total of 100,996 inmates.**

The staff always felt safe when they knew they had a team of highly trained professionals on duty and ready to respond as a unit to quell any issue that may arise, such as in GRVC for example, where there was a number of highly reported disturbances in 2014.

The unit is also tasked with transporting the Department’s most violent inmates in the State of New York. The inmates we transport are charged with very serious crimes and are highly assaultive towards Correction Staff.

**The bottom line is that without a strong, fully trained, and properly equipped ESU, the Department cannot provide the proper response to emergencies.**

# LEADERSHIP WHAT IS THE DIFFERENCE BETWEEN A LEADER AND AN AUTHENTIC LEADER?

A leader is a person who leads or commands a group, but an authentic leader is a person who people don't have a problem following. If you are the one that leads, then you should be able to do anything that you ask your followers to do, if you haven't already done it.

A good leader will always lead by example. Your followers won't mind following you because of your own willingness to get the job done. When you are authentic about what you do and how you treat your workers, you will get better results. The work can get accomplished with love, joy and happiness because you're not doing your job out of frustration or dictation, but rather because you enjoy the team work and the respect that you have for the one who is leading. I felt this topic was a great one to elaborate on as I continue

to encourage each and every one of us to reflect on what we demonstrate as leaders. Everyone at pivotal moments has been frustrated over the mismanagement of things, but if we could look at ourselves as an authentic leader and pull together and unite as one, I believe we can help be a part of the solution because leadership starts from the top down.

When we are presented with a problem, let's try to have a solution to go with it. Each one of us can teach others about leadership if we first acted as leaders ourselves. Let's not wait for someone else to act like they know us better than we know ourselves. We all know our capabilities, our strengths, and our weaknesses. There is no shame in showing what you know to someone else. Let's disembark from the boat that



we have been riding on, and jump on board with who we really are. I'm a firm believer that we can do all things through Christ who strengthen us. But faith without works is dead. Let's challenge ourselves to be authentic leaders, show some support to each other, help each other to strive to be better and do better.

If you are doing 90% and someone else is doing 50%, use your leadership abilities to get them up to your level, because if you go down to their level what are we really doing with our abilities to be an authentic leader? Don't be a hostage to someone else's perceptions of you. Show yourself mighty and show yourself strong.

At the end of the day, ask yourself, am I a leader or an authentic leader and what have I done to believe it?



**CORRECTION OFFICERS' BENEVOLENT ASSOCIATION, INC.**  
"PATROLLING THE TOUGHEST PRECINCTS IN NEW YORK"

**MONDAY JUNE 19, 2017**

**INWOOD COUNTRY CLUB**

[www.cobanyc.org](http://www.cobanyc.org)



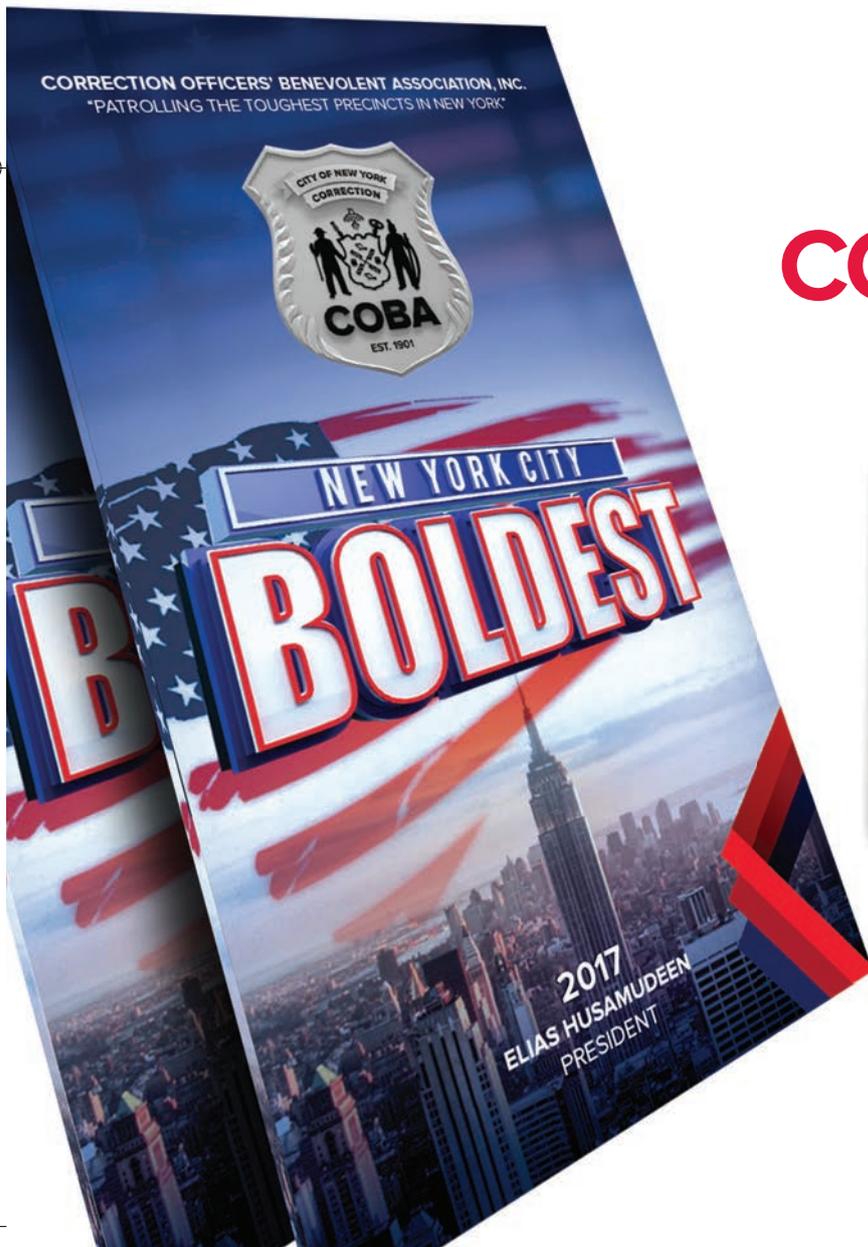


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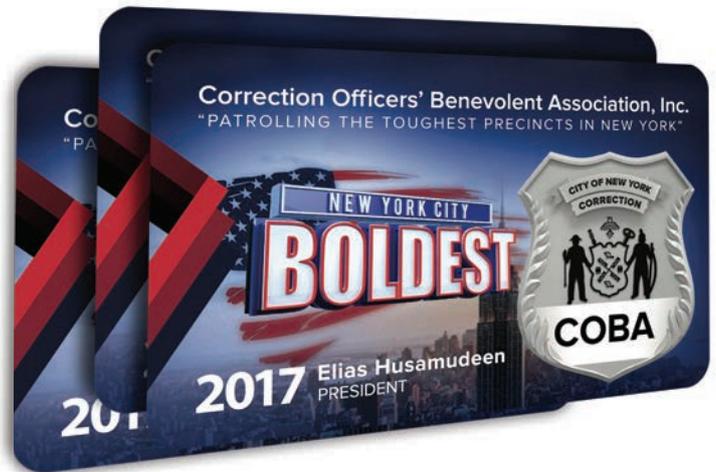
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