

MEMORANDUM OF AGREEMENT

BETWEEN

THE STATE OF NEW YORK

AND

**THE NEW YORK STATE CORRECTIONAL OFFICERS AND POLICE BENEVOLENT
ASSOCIATION, INC. (NYSCOPBA)**

Whereas numerous Correction Officers and Correction Sergeants of the Department of Corrections and Community Supervision (DOCCS) have been engaged in an illegal strike; and

Whereas the State and NYSCOPBA affirm the importance of ending the illegal strike and engaging in a good faith dialog to address the concerns of the union and its members; and

Now, therefore, the parties enter into this Memorandum of Agreement (MOA) that will govern the end of the illegal strike and address the concerns regarding employee safety and quality of working life inside DOCCS facilities:

- A. The parties agree to establish a committee comprised of representatives of NYSCOPBA and DOCCS and other parties, as set forth herein. The committee will begin its work immediately after the signing of this MOA and within 60 days of the date of this MOA present agreed upon recommendations to the New York State Legislature regarding changes to the Humane Alternatives to Long-Term (HALT) Solitary Confinement Act. The committee will focus on areas that address the safety of staff and incarcerated individuals to include, but not be limited to, keeplock, assaults on staff, and assaults on incarcerated individuals. The committee will establish a minimum number of meetings to be held. The committee will be made up of as follows:
 - a. NYSCOPBA will present 1 representative from each facility and then identify one of the representatives from each Hub/Region to participate.
 - b. Other State Unions - Council 82, CSEA and PEF, shall be offered the opportunity to have a representative on the committee.
 - c. DOCCS will appoint as many State representatives as necessary to carry out the objectives of the committee.

- B. The Commissioner of DOCCS will exercise his existing discretion under the HALT Act and continue the temporary suspension of the programming elements of the HALT Act for 90 days from the date of this MOA due to the ongoing emergency and exigent circumstances that exist within each facility due to the illegal strike and the significant staffing deficit that existed prior to the illegal strike. After 30 days from the date of this MOA, the Commissioner of DOCCS will begin to evaluate the operations, safety, and security of DOCCS facilities relative to staffing levels and determine whether re-instituting the suspended elements of HALT would create an unreasonable risk to the safety and security of the incarcerated individuals and staff. This analysis will be done on a facility-by-facility basis and will be ongoing. The suspension applies only to the HALT Act provisions contained within Correction Law sec. 137 pursuant to which the Commissioner has operational discretion, and specifically to the provisions that have been directly impacted by the staffing crisis and illegal strike, and not to the other elements of the HALT Act. DOCCS will continue to follow all other elements of the HALT Act requirements.

- C. DOCCS agrees that it will maintain 12-hour shifts for Correction Officers and Correction Sergeants until it determines that each facility has returned to normal operations. When normal operations return to a facility, DOCCS will return employees to their shifts/squads prior to the strike. Each facility superintendent will take measures, to the best of their ability to honor an employee's regularly scheduled day off.
- D. DOCCS agrees to continue paying the 2.5 times overtime rate originally established by mutual agreement on February 20, 2025, for 30 days from the date of this MOA.
- E. The State agrees that the Department of Civil Service will complete its analysis and review of the union's previously submitted reallocation request within 2 months of the date of this MOA.
- F. DOCCS agrees that it will not issue notices of discipline under the collective bargaining agreement to any employee who returns to work by the deadline and as set forth in Section N of this MOA. DOCCS will also rescind probationary terminations issued to striking employees and reinstate any employee who resigned or was deemed resigned under Article 14.10 as a result of the strike upon that employee's request when they return to work.

The provisions of section F do not include any Taylor Law deductions pursuant to Civil Service Law 210 for any employee who engaged in the strike.

The provisions of section F do not apply to any Correction Officer or Sergeant who does not return to work by the deadline and as set forth in Section N below.

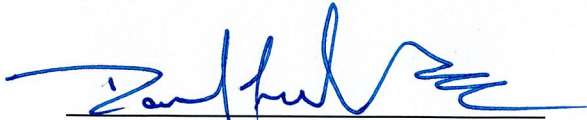
- G. DOCCS confirms that it rescinded its "70/30" memorandum dated February 10th, 2025, on February 20, 2025.
- H. DOCCS will take the necessary steps to adjourn Taylor Law contempt proceedings against individual employees who return to work by the deadline and as set forth in Section N of this MOA. Once such individuals have returned to work, DOCCS will take the necessary steps to terminate contempt proceedings against those individuals.
- I. DOCCS shall investigate and pursue a contract with a qualified vendor to provide equipment and/or services for the screening of all incarcerated individual legal mail in an effort to further curtail the introduction of drugs into correctional facilities. Such screening shall not include, in any form, the review of the communications within legal mail. Representatives from NYSCOPBA shall be considered a stakeholder so as to provide meaningful feedback in committee form to DOCCS once potential vendors are established.
- J. The parties will continue discussions on Transportation Security Administration TSA screeners.
- K. The State will reinstate, effective immediately, the health insurance of any employee who had their health insurance terminated, on the date of their return to work if the employee returns to work by the deadline and as set forth in Section N of this MOA.
- L. The National Guard will remain in a support posture and begin to draw down as staff return to work. The overall support and draw down will remain under the Governor's discretion. National

Guard that remains in place will be used to help prevent an employee from being mandated to work a 24-hour overtime shift.

M. The parties hereby rescind their consent for the issuance of the February 25, 2025, Consent Award issued by Mediator Scheinman.

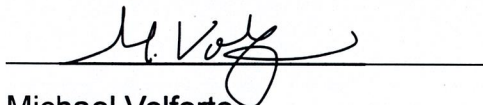
N. Correction Officers and Correction Sergeants must return to work, and continue to work, as follows in order for the provisions of this MOA to be operational:

- a. 6:45 a.m. on March 7 for all employees whose regular tour is Tour 2.
- b. 6:45 p.m. on March 7 for those all employees whose regular tour is either Tour 1 or Tour 3.



Daniel F. Martuscello III
Commissioner
Department of Corrections and
Community Supervision

Dated: 3/6/25



Michael Volforte
Director
Office of Employee Relations

Dated: March 6, 2025



Chris Summers
President
NYSCOPBA

Dated: