

SEPTEMBER 2025 LEGAL REPORT
TO THE EXECUTIVE BOARD OF THE
THE NEW YORK STATE TROOPERS PBA

This is our report for the month of September 2025 regarding the recent developments in some of the cases and legal matters we are handling for NYSTPBA. For the matters cited, we have described activity occurring since the last report and scheduled future activity.

Legislative Update

During the past month, we have taken steps to ensure that the Governor signs our “critical incident” legislation, which is currently awaiting delivery to the Executive Chamber for gubernatorial action. Once the bill is delivered to the Governor, she will have 10 days in which to act on the bill. Should she fail to take any action on the legislation at the expiration of the 10-day period, the bill will automatically become law. We have had several discussions (zoom meetings) with the new Deputy Secretary for Public Safety, Sabrina Bierer, regarding this important piece of legislation and have made it clear that the union fully expects the Governor’s support on this bill, considering the almost unanimous support of this proposal by the Legislature (with a single “no” vote by an anti-police Senator).

Additionally, working together with the Second Vice President and Legislative Director, Jason Sheridan, we have already begun laying the foundation for our 2026 Legislative Session agenda, including scheduling and participating in a plethora of meetings/calls with many members of the Legislature to continue building our relationships with both sides of the aisle. Most recently, we attended the Bronx County Gala, which was attended by many prominent members of the Legislature, during which we spent considerable time with many members of the Senate and other elected public officials. Comptroller DiNapoli specifically sought us out at the event (which was attended by approximately 600 people) and thanked the NYSTPBA for its support and pledged to continue to assist us in any way he can. Additionally, we spent time with Senators Cooney and Sanders and, most significantly, with Senator Zellnor Myrie. Senator Myrie is the current Chair of the Senate Codes Committee and is an extremely powerful member of the conference. With his attempts at becoming the next mayor of New York City coming to an end, he will be squarely focused on Senate issues next session. He has asked Jason and I to meet with him this fall to discuss our issues and find ways to work together on policing policies in New York.

We have also scheduled several meetings with other legislative officials in their district offices this fall as we continue to develop personal relationships with members of the Legislature from both Houses that allow us to set ourselves apart from other law enforcement unions in New York.

Collective Bargaining

This office will provide a collective bargaining update at this month’s Board meeting.



Statements

Since the last legal report, we represented seven (7) at statements by the NYSP.

Troop D (Trooper): On September 4, 2025, we represented this member at a compelled statement related to alleged inappropriate and harassing conduct toward a civilian employee.

Troop F (Trooper): On August 27, 2025, we represented this member at a compelled statement regarding a rape allegation that was determined to be unfounded following a criminal investigation.

Troop F (Trooper): On August 21, 2025, we represented this member at a compelled statement related to a DWI traffic stop which evolved into a Critical Incident when the passenger of the vehicle drove away from the scene and shortly thereafter fatally crashed the vehicle.

Troop G (Tech. Sgt.): On September 2, 2025, we represented this member at a compelled statement related to an alleged improper use of Division resources to run an unauthorized background check for personal reasons.

Troop G (Trooper): On September 2, 2025, we represented this member at a compelled statement, conducted by the Anti-Discrimination Investigation Division (ADID) of the State Office of Employee Relations, regarding allegations of unwanted comments pertaining to race/color and national origin.

Troop G (Trooper): On September 17, 2025, we represented this member at a compelled statement, conducted by the Anti-Discrimination Investigation Division (ADID) of the State Office of Employee Relations, related to alleged creation of a hostile and/or inappropriate work environment.

Troop T (Sergeant): On September 3, 2025, we represented this member at a compelled statement related to his alleged unprofessional conduct with a subordinate.

Discipline

Troop T (Trooper): On September 12, 2025, this member was served with a Notice of Charges and Specifications relating to an off-duty incident where he was questioned and arrested by NYPD on August 6, 2024, related to use of a parking placard.

Troop C (Trooper): We previously represented this member at a compelled statement regarding his response to a September 4, 2024, call for service in Masonville, New York. Troopers had been dispatched to a residence following reports that a man had stabbed his wife. On July 2, 2025, this member was served with Charges and Specifications alleging a reluctance to perform his duties and a failure to take proper police action. On September 11, 2025, this member pled guilty to the charges and was subsequently censured, suspended without pay for forty-five (45) days, and placed on probationary status for one (1) year.



Troop C (Trooper): We previously represented this member at a compelled statement regarding his response to a September 4, 2024, call for service in Masonville, New York. Troopers had been dispatched to a residence following reports that a man had stabbed his wife. On July 2, 2025, this member was served with Charges and Specifications alleging a reluctance to perform his duties and a failure to take proper police action. On September 11, 2025, this member pled guilty to the charges and was subsequently censured, suspended without pay for forty-five (45) days, and placed on probationary status for one (1) year.

Troop G (Trooper): On June 4, 2025, this member was served with a Notice of Charges and Specifications relating to an incident where Trooper responded to a request for a welfare check involving this member's significant other. The Charges allege that the member provided a false statement at the ERPO/TRPO hearing involving his significant other, and improperly contacted the assigned judge's chambers. A hearing has been requested, and the member's panel selection was made on June 20, 2025. The hearing has been set for September 19 and 22, 2025. Prior to the hearing, the matter was resolved for a 60-day SWOP, including time already served in the initial 30-day suspension, and a one year probationary period.

Troop NYC (Trooper): On April 25, 2025, this member was served with disciplinary charges alleging misconduct occurring between August 8 and August 10, 2024, including abandoning assigned shifts without authorization, consuming alcohol while on duty, and engaging in a domestic incident that resulted in his arrest for simple assault in New Jersey. The Division further alleges that the member provided false information to New Jersey police, permitted a civilian passenger to consume alcohol in his vehicle, and operated a New York-registered vehicle in violation of various Vehicle and Traffic Laws. Additional charges assert that the member has never met the residency requirement for holding office as a State Trooper, having been domiciled in New Jersey throughout his employment, and that he knowingly submitted multiple false documents claiming a New York residence. The conduct is alleged to violate numerous New York State Police regulations, provisions of the Public Officers Law, and the Penal Law, and is said to constitute both misconduct and behavior bringing discredit upon the Division. On July 2, 2025, the member was served with amended disciplinary charges. The member has requested a hearing regarding these disciplinary charges, which took place on September 10 and 11, 2025. The parties presented evidence, testimony and cross-examination before the hearing panel. We now await the determination from the hearing panel and the Superintendent.

Improper Practice (PERB)

Mounted Detail (U-38009): We have engaged in discussions with President Murphy and OER about the status and potential resolution of this IP charge.

Ceremonial Mounted Unit: On December 20, 2024, we filed an improper practice charge alleging that the Division violated the Public Employees' Fair Employment Act by unilaterally transferring exclusive work traditionally performed by the Troopers Unit and the CO/NCO Unit to members of the non-uniformed Bureau of Criminal Investigation (BCI). Specifically, the NYSP permitted a BCI Investigator, who is not part of either bargaining unit, to participate in the newly established Ceremonial Mounted Unit (CMU). Historically, the CMU required a visible, uniformed law enforcement presence, a role performed exclusively by uniformed force members. We alleged that



this change improperly excluded uniformed force members from professional opportunities, reflected a failure to bargain in good faith, and undermined the bargaining unit's statutory rights. The union sought a declaration that the Division's actions violated the Act, rescission of the CMU policy, and a resumption of bargaining. At a pre-hearing conference on March 25, 2025, the ALJ expressed skepticism that the work in question had been performed exclusively by bargaining unit employees, noting this as a threshold issue to sustain the charge. Following extensive legal research, we concluded the charge was not viable. On September 11, 2025, the Board voted to withdraw the charge.

Former Member v. NYSTPBA (Duty of Fair Representation): On February 24, 2025, this former member filed a combined Improper Employer Practice and Duty of Fair Representation charge alleging improper action by Division as well as failure by NYSTPBA to provide fair representation at his compelled statement and disciplinary matter, and to assist him with evidence collection for his outside criminal matter. PERB found the pleading deficient and provided the former member until April 22, 2025, to submit an amended charge. On May 13, 2025, the former member submitted an amended charge, just alleging breach of NYSTPBA's duty of fair representation. Specifically, the former member alleged NYSTPBA failed to provide adequate representation at his compelled statement; failed to advocate for him in his pending disciplinary matter because no settlement was secured with the First Deputy Superintendent; and because NYSTPBA failed to provide him with certain evidence, which was not in NYSTPBA's possession, upon his request. We filed our Answer in this matter on June 12, 2025, and a pre-hearing conference took place on July 9, 2025. On July 31, 2025, the former member filed a motion to amend his charge, which included a new charge against a union representative who swore at the former member on a telephone call, as well as several charges against Division regarding the service of amended charges, conflicts of interest, and other wrongdoing. On August 8, 2025, we filed our objections to the motion to amend. If the former member's motion to amend is granted, we will be given an opportunity to amend our answer to include the new charges.

Contract Grievance

Arbitrator Panel: Our office continues to work with OER to establish a new panel of arbitrators to hear pending and future Contract Grievances for NYSTPBA. We will advise the Board when the panel is established.

Overtime Denominator: In November of 2016, NYSTPBA filed a class action contract grievance regarding the change of the overtime denominator from 2000 to 2190, resulting in an approximate 10% reduction in the overtime rate. Once the arbitrator panel has been established, this grievance will be arbitrated. For more information on this grievance, please refer to the membership communication on this grievance by President Charles Murphy from November 2024. This case was scheduled for arbitration on June 5, 2025, before Arbitrator Rinaldo. However, NYSTPBA has adjourned the hearing based upon new evidence received regarding negotiation of the change in the overtime denominator.

Ticket Quotas (Class Action): We requested to initiate a class action grievance directly at Step 3 in accordance with Article 15.6 of the Agreement related to a violation of Article 12 of the Agreement and New York State Labor Law Section 215-a on the grounds that members were told



they would not be allowed to participate in mutual shift exchanges if certain ticket quotas were not met. Division denied initiating this grievance at Step 3. On August 13, 2025, we requested to initiate another class action grievance directly at Step 3 of behalf of ten troopers who were issued negative POFs for being "below standard for sections (20) Vehicle and Traffic Law/DWI Enforcement and (21) Priority Enforcement for DWI Enforcement." The grievance was denied at Steps 1 and 2, and the grievance was appealed to Step 3 on September 18, 2025.

Troop B (Trooper): We assisted in filing a grievance on behalf of this member asserting a violation of Article 20 of the Agreement and New York State Labor Law Section 215-a on the grounds that he was wrongfully involuntarily transferred, and without the proper notice, from his regular road patrol duties to the communications department because of his low productivity related to VTL enforcement efforts, or, his ticket quotas. His grievance was denied at Steps 1, 2 and 3. We filed a Step 4 request for arbitration on this matter on July 29, 2025.

Troop B (Trooper): We assisted in filing a grievance on behalf of this member asserting a violation of Article 20 of the Agreement and New York State Labor Law Section 215-a on the grounds that he was wrongfully denied overtime and without the proper notice, was involuntarily transferred from his regular road patrol duties to the communications department, both because of his low productivity related to VTL enforcement efforts, or, his ticket quotas. Division denied this grievance at Steps 1 and 2. We met with Division on September 16, 2025 at Step 3 and await a decision at this level.

Troop NYC (Trooper): On July 21, 2025, the PBA filed a non-contract grievance on behalf of this member, challenging the Division's refusal to restore him to payroll after amended charges were served on July 2, 2025, arguing the post-July 2 delay of his disciplinary hearing is Division-caused and not justified under Rule 3.11(b). The grievance also alleges a violation of Regulation 5.3(c)(4) when the member, while suspended and unpaid, was ordered to report after 10:00pm to be served with the amended charges, contrary to the regulations stated purpose of limiting contact to normal business hours. At the July 22, 2025 Step 1 meeting, the Acting Zone Commander denied all proposed remedies, interpreting the regulation as placing full responsibility on the member. His July 29, 2025 written denial gave no rationale. The grievance was appealed to Step 2 and was denied on August 28, 2025. The grievance was appealed to Step 3 on September 5, 2025.

Retirement

Troop C (Trooper): This former member's disability retirement application was originally denied for being untimely. Ultimately, the System found the application to be timely and the matter was returned to the Disability Processing Unit for processing. The member attended an independent medical examination in December 2024 at the direction of the System. We now await a determination on his application from the System.

Troop T (Trooper): Our office spoke with this member regarding an issue with his disability retirement and advised him of his options pending his upcoming criminal trial.

Troop T (Trooper): We are advising a member with respect to his upcoming hearing regarding a retirement tier change.



Litigation

Troop F (Trooper): On May 23, 2025, we filed a hybrid Article 78 and Declaratory Judgment action in Albany County Supreme Court on behalf of a former Trooper. The case challenges her February 2025 termination, which was based on an LCMSMS drug test not authorized under NYSP rules requiring GC/MS confirmation. After this defect was raised at her August 2024 hearing, NYSP counsel requested an adjournment based on an agreement that no further testing would occur. Despite this, NYSP secretly retested the same specimen during the recess using GC/MS and introduced it mid-hearing without amending the charges or providing notice. The lawsuit seeks to annul the termination, restore the Member's certification, and bar NYSP from relying on the GC/MS result in any future proceeding. The return date is July 18, 2025. On July 9, 2025, the NYS Attorney General moved to dismiss several of the causes of action, as well as to transfer the matter to the Appellate Division, Third Department. On August 7, 2025, we filed our response to the AG's motion. The NYS AG filed a reply to our opposition and we now await the determination of the court.

General Counsel/Corporate

Mobile Application Disclosure Issue: Our office was asked to assist regarding a notice received from the Google Play Store that the NYSTPBA Mobile App was not in compliance with the updated terms and conditions of having an app on the app store. Specifically, the app is required to have a disclosure that NYSTPBA is not a government entity, and that any information obtained from a government source is labeled as such. A disclosure section was added to the application, however, the Google Play Store did not accept the addition, finding that the disclosure of the "source of governmental information" was insufficient. Our office was again consulted with respect to filing an appeal versus attempting to revise the disclosure language. A revision to the disclosure language, and placement of the language in a more visible location, was submitted and approved by the Google Play Store.

NYSTPBA's Financial Statement Audit: On September 12, 2025, we submitted our response to NYSTPBA's request to provide its auditors information regarding pending or unasserted claims against NYSTPBA in connection with its Audit of NYSTPBA's financial statement.

Professional Complaint Against Rich Mulvaney: Following the discovery of evidence showing Mulvaney's involvement in negotiating the increase in the overtime denominator, and keeping the same hidden from NYSTPBA leadership and members, our office has begun investigating potential violations of the Rules of Professional Conduct regarding filing false documents, and being untruthful to clients and tribunals. We will provide additional information to the Board at this month's Board meeting.

Sale of 120 State Parking Area: We have negotiated the purchase agreement for the sale of the parking area of 120 State Street. In early August, we were advised that the purchaser wished to close on this sale in mid-August. Our office prepared closing documents, as well as the easement retaining NYSTPBA's rights to use the parking area, in preparation for the closing occurred on August 20, 2025. Construction in the parking area has commenced and this office has submitted final documentation to NYSTPBA's Accountant for review.



TAS Invoices (Security Equipment): We sent the owner of TAS Electronics, Thomas Sheehy, a letter regarding his installation of security equipment at NYSTPBA headquarters that is prohibited by the FCC. In the letter, we requested payment of equipment, fees, and labor in the amount of \$13,760.32 to be paid by May 9, 2025. We did not receive a response to the letter or payment. As a result, we have sent a follow-up letter including specific actions we will be taking if payment is not received.

Trooper 1 v. Cuomo, et al: We were advised that a member was subpoenaed to provide testimony at a deposition in connection with the case brought by anonymous Trooper 1 against former Governor Cuomo. As the case was brought in federal court in the Northern District of New York, attorney Lawrence Schaefer sought, and was granted, admission into practice in the Northern District of New York. In connection with this member's subpoena, Attorney Schaefer has assisted the member in preparation for the deposition and has been negotiating with Defense Counsel as to whether an affidavit in lieu of a deposition would suffice. Defense Counsel has indicated that they intend to move forward with the deposition of this member. Attorney Schaefer will be representing this member at the deposition which is scheduled for September 22, 2025.

Troopers PBA Supplemental Fund: We were asked to assist in revising internal documents for the VSF which removed David Carlo and Jon Brody and added Thomas Kuchark and Dominick Pedulla.