

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

This is our report for the month of October 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

This office will provide a legislative update at this month's Board meeting.

Collective Bargaining

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

Critical Incidents

Troop B (Schroon Lake): On October 3, 2025, we were advised of a three-car collision involving a marked State Police vehicle on Interstate 87 northbound in the town of Schroon Lake, Essex County. An investigation revealed that a trooper had initiated a traffic stop on the northbound shoulder of I-87 with the patrol vehicle's emergency lights activated. While the trooper was conducting the traffic stop, a vehicle traveling northbound struck the rear of the marked NYSP vehicle, killing the passenger of the striking vehicle. The trooper and the driver of the striking vehicle were transported to Glens Falls hospital, where the critical incident inquiry was conducted.

Troop E (Horseheads): On September 28, 2025, we responded to SP Horseheads regarding a critical incident involving a response to a domestic dispute. The subject was threatening his mother while brandishing a pair of scissors. While the local deputy sheriff arrived as backup, the subject would not respond to several direct orders to drop the weapon. The Trooper fired his weapon, striking the suspect. Another Trooper arrived shortly after and attempted to render aid. The subject eventually succumbed to his injuries.

Statements

Since the last legal report, we represented two (2) at statements by the NYSP.

Troop F (Trooper): On October 8, 2025, we represented this member at a compelled statement related to the failure to activate his Body Worn Camera while engaged in a vehicle pursuit.

Troop L (Trooper): On October 1, we represented this member at a compelled statement concerning the theft of his state police identification card while he was on vacation in the country of Colombia.



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. Shortly after being served the Notice of Charges and Specifications, this member waived representation by NYSTPBA and this office. Accordingly, we are no longer representing this member in connection with his disciplinary matter.

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. Amended charges were served on July 2, 2025. The member requested a hearing regarding these disciplinary charges, which took place on September 10 and 11, 2025, at which the parties presented evidence, testimony and cross-examination before the hearing board. The hearing board sustained all charges and recommended termination, which the Superintendent adopted. This member was terminated effective September 18, 2025.

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.

Member v. NYSTPBA (Duty of Fair Representation): On February 24, 2025, this 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 member until April 22, 2025, to submit an amended charge. On May 13, 2025, the member submitted an amended charge, just alleging breach of NYSTPBA's duty of fair representation. Specifically, the 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 member filed a motion to amend his charge, which included a new charge against a union representative



who swore at the 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 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. We are currently scheduling the Step 3 meeting with Division.

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, 2 and 3. We appealed this grievance to Step 4 with OER.



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. We have not yet received a Step 3 determination from the Superintendent's office. We are discussing the available next steps with Second Vice President Davis.

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

Annual Board Training: Our office conducted annual NYSTPBA Board Training on October 15, 2025. New delegates taking office since the last training, and returning delegates seeking a refresher course, attended this training session. This training is designed to inform all NYSTPBA Board members about their fiduciary duties to the organization, as well as their obligations under the Taylor Law. Also included in this training is information regarding compelled member statements, discipline, and critical incidents.

FOIL Correspondence with Division: We wrote to Division seeking any formal written FOIL policy and were informed that no such formal written policy exists within Division.

Internal Investigation (Discrimination and Harassment Allegations): A former employee of the NYSTPBA office made allegations against another employee indicating unlawful discrimination and harassment based on the former employee's association with a protected class. Specifically, the employee's child's protected class of being disabled. Our office assisted in retaining the services of Retired Supreme Court Justice William McCarthy to serve as the neutral investigator of these allegations. Retired Justice McCarthy determined that there were examples of inappropriate language used within the NYSTPBA office, and that such language violated the NYSTPBA policy against such language, but that the use of the language in no way arose to the level of discrimination or harassment under the law. This office will conduct additional training regarding violated policies with the NYSTPBA office.

Memorandum of Agreement (Seniority): We drafted a Memorandum of Agreement between NYSTPBA and Division regarding the determination of Seniority. In our draft agreement, the determination is made based on rank, time in rank, date of entry, then order of appointment to the academy class. Where promotion is from a competitive list on the same day, seniority is determined by position on the promotional list. This agreement would also apply to those in "acting" positions, and include the time spent in the "acting" position for determination of seniority, where such time is uninterrupted and consecutive with their full appointment to that same rank. Finally, the agreement specifies order of seniority for Technical Sergeants as well as permanent rank Sergeants who moves to a Technical Sergeant Position. We will provide more information regarding the execution or further negotiation of this agreement.

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.

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 attempted to negotiate 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 represented this member at the deposition, which took place on September 22, 2025.