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Via Facsimile and First Class Mail

April 20, 2007

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**RE: Jones Beach Lifeguard Corps and State of New York and NYS Correctional
Officers and Police Benevolent Association, Inc., et al. (Case No. C-5339)
(Our File No. 6083-P102)**

**Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO
and State of New York and NYS Correctional Officers and Police Benevolent
Association, Inc. (Case No. C-5443)**

Gentlemen:

This office represents the Jones Beach Lifeguard Corps (hereinafter referred to as the "Corps"). We are in receipt of the opinion letter dated April 9, 2007 from PERB's Acting Deputy Chair and Counsel Deborah A. Sabin. We also are in receipt of papers submitted by NYSCOPBA on April 16, 2007 and papers submitted by GOER on April 19, 2007 both in opposition to the motions for reconsideration pending before the Board. NYSCOPBA's papers included an Affidavit from Keith D. Zulko and GOER's papers included an Affidavit from Michael N. Volforte.

The opinion of counsel suggests that negotiations for members of the unit might need to be placed on hold, if the Board decides to reconsider its earlier decision. Were that to happen, according to averments made in the Affidavits of Mr. Zulko and Mr. Volforte, raises for bargaining unit members, which have been held up already since 2002, may be delayed further. Therefore, the Corps believes that NYSCOPBA should be allowed to continue to negotiate on behalf of all members of the Security Services Unit who are not eligible for interest arbitration - including the

lifeguards subject to the fragmentation petition pending before Administrative Law Judge Comenzo
- until the Board decides the motion for reconsideration, assuming it agrees to reconsider the matter.

Accordingly, the Corps consents to such negotiations. If you have any questions, do not
hesitate to contact me.

Very truly yours,

JAMES R. SANDNER

By:

Robert T. Reilly
Associate Counsel

RTR:lh

6083/68579/CWA1141

c: Deborah A. Sabin, Esq.
Public Employment Relations Board
80 Wolf Road
Albany, New York 12205

Hon. Susan A. Comenzo, Administrative Law Judge
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