

AFFIDAVIT OF CHRISTOPHER FOY

Christopher Foy, being duly sworn, upon his oath deposes and says:

1. I am the State Trustee of FOP Lodge 213. I am also a Sergeant at the Union County Jail. My date of hire is May 1994.
2. I was present when what is discussed in the Second Count of our Unfair Labor Practice Charge occurred. By way of background, you should refer to Gerry Hatton's Affidavit being submitted at this time. Really what Lieutenant Rinaldo did was insignificant. He took an overtime list, which is far from a secret, internal or confidential document and sent it to a handwriting expert so that we would be able to ascertain who was the individual harassing Sergeant Hatton. Not surprisingly, the handwriting expert concluded that it was William Burkert who created the unbelievably harassing documents. Jim Rinaldo so informed Director Riordan. Because of this, I was present when, on May 23, 2011, Director Riordan removed Jim from the administrative spot he had held for at least 15 years – the last 9 of which he has been an Administrative Lieutenant. Jim asked why he was being removed. Mr Riordan claimed it was because of what Jim had done as the FOP President, in sending the overtime list to a handwriting expert. This is simply incredible. What Jim had done, in terms of sending the overtime list to an expert, was not only insignificant, it had nothing to do with his being an Administrative Lieutenant. Not only is the list open to everyone (so they can see it), but the specific list in question was left on the windshield of Jim's car. There is no doubt in my mind that Jim lost his administrative position due to his being the FOP President at the time. This is only reinforced by the fact that Jim was replaced by a PBA

member. Remember, who receives which assignments is at the total discretion of the Director.

3. For at least 10 years, Sergeant Steve Pilot has been the Internal Affairs investigator. It is called the Special Investigations Unit (SIU). He recently resigned his position in that department because the Administrative Captain, who is in the PBA (Captain Alfonso) was directing that Sergeant Pilot actively investigate FOP members, while the Captain ignored complaints by FOP members. At the same time, Mr Pilot also resigned from the FOP and joined the PBA. He has stated he did so because he saw first hand how the Jail treated FOP members compared to PBA members.
4. On April 29, 2011, I, as Sergeant, was physically threatened by Kevin Burkert another Sergeant. He told me, in front of others, including Sergeants Muir, Cepparulo and Smidt to "meet me in the weight room" and that "he would fuck me up." I wrote a report (as did the three other witnesses). All four reports were consistent and were immediately given to Director Riordan. I then got a phone call from Captain Alfonso that he would be handling the incident and that I should try to avoid Sergeant Burkert as much as I could. Now, over five months later, absolutely nothing has happened at the Jail. This forced me to go to the County's Affirmative Action office, where I saw John Boles, who is the Affirmative Action Officer. I told Mr. Boles what had happened and filled out a Complaint. Mr. Boles then interviewed all of the witnesses and I was informed by Mr. Boles, in the presence of Lieutenant Rinaldo, that he had substantiated my claims that he had forwarded his report to his superior in the Legal Department. I then waited two months, until September, and when I heard nothing, I contacted Mr. Boles, who informed me that

- the Legal Department had reversed his recommendation and they had unsubstantiated my claims. None of them spoke to me or the other witnesses.
5. I am also personally aware of the incident involving Kevin Burkert and Lieutenant Donald Capolupo (an officer in the FOP). Lieutenant Capolupo was also threatened by Kevin Burkert. Lieutenant Capolupo told Mr. Burkert he'd write Mr. Burkert up in a report; to which Mr. Burkert replied: "Do whatever you want, I don't care. Nothing is going to happen to me." Not surprisingly, Mr. Burkert was correct and the Administrative Officer did nothing based upon Lieutenant Capolupo's report.
 6. I am also personally aware of the Sergeant John Manfre situation. Sergeant Manfre (a FOP member) had a "bad release" which means that an inmate was released who still had charges pending against him and should have been transferred to another facility, not released. Initially, Sergeant Manfre was charged with a 20-day suspension (in June 2011) and ended up accepting a 5-day suspension. However, that must be contrasted with what happened in March 2011 when Captain Alfonso released an inmate who also had pending charges. This incident was very similar, if not identical, to the allegations against Sergeant Manfre. Captain Alfonso was not disciplined, nor was any investigation undertaken. Further, the Sergeant who worked the previous shift received only a written warning. Both of them are PBA members.
 7. It is absolutely clear that PBA members correctly believe that they can get away with anything. FOP members are blatantly treated differently and more harshly. Who can blame Sergeant Pilot for seeing that it was to his benefit to resign from the FOP and join the PBA. In addition, two other FOP members, to stay in preferred

