

**Testimony of**

**Víctor Antonio Perez**



**Former Council Leader Division 236 of the**

**Public Employees Federation**

**&**

**President of Fraternal Order of Police Lodge 27 (NYS Parole Officers)**

**To**

**The Legislative Public Hearing on 2017-18**

**Executive Budget Proposal:**

**"Public Protection".**

**January 31, 2017**



Good Morning Honorable Members of the Legislature.

I am presenting today on behalf of our PEF Division 236 Council Leader Paul Rigby who could not be with us today as he was called out of town. My name is Victor Antonio Perez, friends call me Tony. I am the former Council Leader of PEF Division 236 and I presently hold the position of Statewide Chair of Health and Safety for Community Supervision of my PEF division, which represent over 938 members made up of parole officers and Senior Parole Officers, Parole Revocation Specialists (Parole Prosecutors), and Administrative Law Judges.

I also am the **President of the Fraternal Order of Police Lodge 27 (NYS Parole Officers)**.

Currently, I hold the position of a Senior Parole Officer assigned to the New Rochelle Area office in Westchester County I have worked for the State of New York for 28 years 3 years as a Correction Counselor and have been on the parole side as a parole officer, revocation specialist and a Senior Parole Officer for the past 25 years. I have worked on both sides of the double razor wire fence. I have worked in Rochester, Binghamton, and spend 10 years in the Bronx as a parole officer and a prosecutor. I have also worked the double razor wire fence at Lakeview Shock, Bedford Hills and Sing Sing Correctional Facilities.

In reviewing the Department of Corrections and Community Supervision Budget, it appears again that there is no increase in FTE's for Community Supervision.

The role the Community Supervision and more specifically Parole Officers plays in public protection is more vital today that it has ever been. The vast majority of parolees that are release to Community Supervision and remain under parole supervision are violent felony offenders. Many of the nonviolent offenders are released early and are granted merit release from parole after 1 year of successful adjustment to the community, leaving the parole office to work with this population which has the most violent history, and as long as these cases continue to remain at their current ratios, there will never be enough time to dedicate to this most needy and dangerous population. We recognize DOCCS responsibility to keep their jails safe and thus the ratio of inmates to correction officers are approx. 2 inmates for every C. O. and yet the ratio of parolees (36,000) to every parole office (650) continues to be about 55:1.

Last week PEF President Wayne Spence testified that 1800 parolees in Monroe County are being supervised by 33 parole officers. That ratio is consistent throughout the state and as President Spence reported even worse in the NYC area.

In October of 2000 the Division of Parole employed 1,400 PEF members, 1,113 of whom were Parole Officers and Senior Parole Officers.

In December of 2010, PEF represented 1,207 employees in the Division of Parole including 904 Parole Officers and Senior Parole Officers.

Today, PEF represents approx. 938 employees, 750 of which are Parole Officers and Senior Parole Officers.

So while the Parolee Population has decreased somewhere around 25% in the past 17 years we have seen that the parole officer population decrease approximately 33%. So what are we saying? We hear a lot of commitment to keeping our community safe. We hear that community safety is of paramount importance. We constantly hear from DOCCS administrators that the safety of its employees is its number one priority, but the facts don't back that up.

I am sure you have heard about the COMPAS risk assessment tool that has now been implemented so that a parole office having a level 4 low risk parolee is expected to supervise 160 parolees. Now I have to give some credit to the administration in that they are mixing up cases so no one parole officer is burdened with that impossible task. This is something that we have been telling DOCCS Administration for 4 years now. And yet at the same time, this administration has admitted that despite the implementation of the COMPAS system, recidivism has not been reduced and in fact what has happened is the "lower risk" parolee who many times is being released after 15 or more years of incarceration has all but been abandoned by his/her parole office because he/she only reports once every 4 months.

We are reminded that the cost of incarcerating an individual is approx. \$30,000 per inmate year. DOCCS takes up 68% of the entire 2017-18 Public Protection/Criminal Justice proposed Budget \$2,845,953,000.00 and yet the portion allocated to community supervision is minuscule.

We hear that the Governor wants to revamp the Criminal Justice System and I agree and applaud his verbal commitment and heeding the words of Assembly Speaker Heastie when he said that this starts with addressing the educational needs of our impoverished communities, the need for parenting skills, for mentorship programs for employment opportunities and vocational training programs and to treat addictions, and gang interventions and confronting domestic violence. But they all seem to forget that it is the parole officer who is part of that community. It is the parole officer who is the liaison between prison and the community and it is the parole officer that everyone comes to when all else has failed. Whether if it's to get someone some help and counsel him to follow through on his program, job search, or his education or even if it's get him off the street because he has become a danger to himself or others. It's the parole officer who is often called to resolve the issue.

Last year Council Leader Rigby brought before you our concerns that the DOCCS Administration was sending out Correction Officers to do Parole Officer work to apprehend parolees who were not reporting. This was done without the knowledge and coordination of the parole officer who knows the case, the community and the parolee the best. Well, 1 year later DOCCS has formalized this practice. Although any seasoned parole officer would never turn down assistance in the apprehension process, DOCCS reorganized the former scandal ridden IG department and change the name to OSI to create an apprehension unit that does not report to the Dep. Commissioner of Community Supervision, the expert in the expert in this area, but rather the Director of OSI. The million dollar question is why? It doesn't save any money. It doesn't even make sense.

Now one of the most disturbing items in this year's budget is that the DOCCS portion of the budget includes major revisions to executive law 259. This proposal is requesting revisions to give the Commissioner of the Department of Corrections and Community Supervision the authority to give parolees who have 6 months of uninterrupted supervision a 3 month reduction in their parole time. Please allow me to explain the shallow thinking behind this proposal. First and foremost, it is assumed that because a parolee has not been violated that he is doing well. Parole Officers are constantly working with parolees who are not adjusting

well, who have relapsed to drug use, who have been arrested for minor infractions, who have violated a number of parole conditions, who have been sent to alternatives to incarceration, and Parole diversion programs, etc. These parolees do not require less supervision they need more supervision. There are mechanisms presently in place that reward parolees who are doing well like merit termination of parole, 3 year discharge from parole and COMPAS reassessment to reward parolees who adjust well with less reporting requirements.

- Additionally, most disturbing, is the request to make revisions to the law that would take the authority to set conditions of parole away from the Board of Parole and grant the Commissioner of the Department of Corrections and Community Supervision the authority to set the conditions of parole. Let me remind you that when the Department of Corrections merged with the Division of Parole in 2011 it was explicitly stated on more than one section that and I quote:
- . . . .“The Parole Board will continue as an independent body, with Administrative Law Judges (ALJs) and the Board’s Counsel’s Office answering directly to the Parole Board.”
- The Parole Board will maintain its existing functions (e.g., release decisions, set conditions, etc.).
- The Parole Board’s autonomy in their decision making is specifically preserved in statute.
- **There will be no change in the Board’s role in setting an offender’s release conditions.**

Once again, we are seeing a bold and may I say a bullying move by DOCCS to impose its will over the autonomous Board of Parole. Need we remind ourselves of the dangerous path that this will place us and our system on. Have we not learned from our history what happens when we put too much power in the hands of one person? Have we not learned anything from the Attica riots and the recommendations of the McKay Commission that followed that all decisions pertaining to releases from NYS Prisons be independent of the decision makers that control our prisons?

Let us be reminded that On July 1, 1930, the Division of Parole was established in the Executive Department. A full-time Board of Parole was created within the Division and given the responsibility, formerly held by the Department of Corrections, to make decisions on parole releases from prisons. Jurisdiction over releases from training schools and correctional institutions for mentally disabled prisoners was added to the Parole Board's authority in 1945.

In 1971, the Division of Parole was consolidated with the Department of Corrections to form the Department of Correctional Services (DOCS). In the wake of the Attica Prison riot and demands from the courts and other quarters that the procedural rights of parolees be protected, and as part of the recommendation of the McKay Commission, Parole in 1977 was again established as an autonomous agency within the Executive Department. The same reform act mandated adoption of formal release guidelines to eliminate any perception of arbitrariness.

In April 2011, the Division of Parole was once again merged with the NYS Department of Correctional Services, with the promise that the Board of Parole and its entire decision making with reference to the release of prisoners from prisons would remain autonomous.

Let us not place expediency, over responsibility. We need to have a system of checks and balances, especially when it comes to exercising power over someone's freedom and the conditions that keep them free. We must be very careful not to repeat the mistakes of the past.

We have tried consolidation, we have tried COMPAS, and we have even tried a program called RESET, all to no avail. If we are truly serious about putting our resources in a place where we could reap the most benefits, save the most lives and protect the community, let's invest in the persons whose job it is to assist in the transition from prison to society . . . parole officers. So I challenge you all to take the bold step to not only increase the number of parole officers, not to man a magnetometer, but so they can spend quality time with persons returning to society and to double the amount of parole officers and double the supportive services that must follow. Where do we get the money to pay for this? Last year when the Acting Commissioner was

asked where did he find the money to pay the \$25 million dollars of overtime needed to capture the 2 escaped prisoners, he stated

“... I made a phone call. . . “. It just goes to show that monies can be found if we make it a priority.

Sincerely,

V. Antonio Perez

Senior Parole Officer DOCCS

President Fraternal Order of Police Lodge 27

Former Council Leader PEF Div. 236

Co-Chairperson Statewide Health and Safety





## Testimony, Public Protection Joint Legislative Public Hearing on the 2017-18 Executive Budget Proposal

By:

Penny Howansky, PEF Council Leader, Jeff Smith, PEF Assistant Council Leader, and Nikki Brate, Vice President



Chairs, committee members, and distinguished guests – thank you for your time and for allowing me this opportunity to speak with you on behalf of the more than 3,300 PEF-represented members employed by the Office of Information Technology Services; the people who provide critical IT services for the state agencies and for the citizens of New York State.

My name is Penny Howansky. I am a PEF Council leader and a Manager of Information Technology Specialist 1 for New York State government and I have worked to serve the agencies and citizens of New York State for 33 years.

Like many of you, I have concerns about the numerous issues surrounding workforce development and the continued privatization of IT services.

I also want to address some of the remarks made by the acting Commissioner of Civil Service last Wednesday regarding the skills of the ITS workforce, specifically stating during her budget testimony “The state workforce doesn’t always have the cutting-edge skills...or the talent,” required for specialized information technology tasks.

I can tell you that we have an extraordinarily talented workforce, and they have been providing excellent services for years. Prior to the IT Transformation, agencies were satisfied with the quality of their IT service. When we look at the agencies that weren’t included in the transformation – OSC, OAG, SUNY, and others; you don’t hear the level of complaints about their IT service or about them not having the skills necessary to provide services for New York State. All are utilizing the same PEF workforce – people who came up through the civil service merit and fitness system – not consultants.

What other explanation is there except for the insufficient planning and insufficient implementation strategy?

Last year, I spoke to you about how ITS has advocated, throughout the IT Transformation, that one of the primary benefits of centralized services would be a reduction in the state’s reliance on consultants and contracted services. I reported to you that ITS has *decreased* the number of Full Time Employees, or FTEs – hardworking public servants and New York State citizens like yourselves - from 3,819 FTEs in 2014 to 3,585 FTEs in 2016. Last year saw a *reduction* of about 6% of the *state ITS* workforce – not of

consultants. And in that same time, the number of consultant staff ITS employs has risen from 159 in 2014 to 808 in 2016. Rather than reduce our reliance on consultants, ITS *increased reliance on consultants by 408%*.

This year, ITS has proposed a budget that further reduces the IT workforce by another 179 through attrition and, while there is a slight decrease in the number of consultants, the cost for contracted services has risen from \$394,316,000 to \$431,538,000, an increase of 9.4%.

Ladies and gentlemen, insufficient planning has made the proud members of PEF and the NYS workforce into scapegoats. Let us refer to the August 2016 Comptroller Audit Report of the ITS transformation. The very first key finding is the following: "There were significant deficiencies in planning the execution of the Transformation, with little or no evidence that many basic planning steps were performed."

ITS lacks a strategic plan. ITS lacks a Workforce Development plan to properly invest in succession planning, knowledge transfer, and skills advancement. Now, ITS is trying to use the budget process to propose legislation that further disrupts the NYS workforce and further erodes the civil service system by putting forth a proposal to create 250 positions as "Special Expertise" (SE's).

Nowhere in the legislation does it mention that due to the proposed 250 SE positions, there will be a decrease of 250 consultant positions. Nor does it mention any increase of FTE positions. Rather we see a reduction of 179 FTE's. This is not workforce development, but workforce demolition.

PEF has repeatedly sought from ITS an understanding of what skills they believe our members were missing, and how we could *partner* with ITS to look for ways to further develop our workforce. Where we are now is that ITS is unable to identify the skills they need, and therefore, cannot supply any empirical evidence to justify a new method of circumventing the civil service merit system. Anything offered by ITS at this point is pure conjecture.

NYS just invested in developing an IT exam – there are 1,000s of eligible people looking for new opportunities to showcase their skills at work. This is the list that reflects the skills of both our seasoned members with years of experience and knowledge, and our junior members with new ideas and energy.

Hiring SE's without proper examination and vetting of qualifications and experiences, will only promote mediocrity in state services rather than meritocracy. As you know, the civil service merit and fitness system was put in place to increase accountability and to protect the public – your constituents. When employees are hired and promoted using a fair system based on merit, everyone benefits.

This legislation would potentially block 250 PEF members' promotional opportunities by filling upper level IT positions with untested insourced consultants - at the top of the pay grade. Ask yourselves, "Is that fair"?

If we were to enact this legislation, it will send the following messages to the current and future IT State workforce:

1. For the current IT workforce – although you continued to work for the state for about seven years to make job rate which is far less than your private sector counterpart with increases in healthcare and cost of living expenses, ITS believes you are inept and cannot be trained and therefore, we will allow 250 SE upper level positions to be inserted into ITS which will minimize your promotional opportunities.
2. For the future IT workforce – Since NYS allowed 250 SE positions to be inserted in high level positions, it will result in a lack of career mobility and advancement.

We're showing our burgeoning new employees that they have a better opportunity leaving for the private sector and giving our seasoned talent a reason to retire before the designated time which could hamper succession planning needed to maintain the IT systems NY taxpayers rely on a daily basis. That is a terrible recruiting and retention strategy.

Sometimes ITS seems to think of our members as dispensable tangible resources as opposed to indispensable intangible assets. To do a job you need a desk, a PC, and a person with skills - and you can do something, some task. But your desk isn't going to leave the workforce because it isn't respected or appreciated, and your computer isn't going to be offered a promotion somewhere else and cost NYS years of institutional knowledge when you try to replace it. But our talented people will. And when you add legislation on top of that which is going to hurt their career mobility, they have even more incentive to leave.

ITS, and now the Dept. of Civil Service are telling our members, and they are telling you, that our members don't have skills – but think about it - what kind of message does that send? One of the big trends in Human Resources these days is Employee Engagement – ITS had put out multiple surveys to measure their employee engagement - what does it do for engagement to tell your employees you don't think they have any cutting-edge skills...or the talent?

Many of our members are enthused proactive learners who are well educated and hold various certifications. Our members are eager and willing to learn whatever skills that ITS identifies – they want education and training. They want professional development opportunities. Our members want to have professional certifications and credentials. Our members are looking to get the specialized, technical training opportunities necessary to build and maintain the skillsets needed. But again, ITS has no strategic plan. ITS has no workforce development plan. ITS can't tell us what skills we don't have.

ITS provides soft skills training – change management, team dynamics, that kind of thing, but what we need are real technology training programs and certifications. This year, ITS has proposed a training budget of \$2,000,000. However, *only \$313,000 will go towards training our members* to equip them with skills ITS is seeking. Astoundingly, the remaining \$1,687,000 will be spent on salaries and benefits. ITS could make a large, long-term, direct investment in staff by investing in training them adequately, but they are proposing to invest only 15% of the training budget for providing actual technical training. 15% of two million dollars – yet they need \$108,887,000 for FTE consultants and \$431,538,000 for contracted services (outsourcing).

Our members have spent years in this industry and they have the invaluable and irreplaceable experience to understand the business needs of the organization. They *are* ITS. They are the NYS Geek Squad.

If you want to have an engaged IT workforce, you need to provide them with opportunities for growth. Our members hear their management say they are unqualified or unskilled. They don't feel respected or valued. They don't see ITS making an investment in their professional development.

This is an area where PEF can be an invaluable business partner to ITS. When ITS outsourced Helpdesk services to IBM, 160 PEF members were displaced from their jobs and we were told that they would be

provided the training they needed to transition into new jobs. When we didn't see that happening, one of our ITS PEF stewards developed a program to train and certify 300 PEF members in general IT, data and networking and information security. This program was valued at \$200,000 and it was funded by Article 15 of the Collective Bargaining Agreement between PEF and NYS - our members' dues money goes toward providing this opportunity and others like it, and that's almost two-thirds of ITS' contribution to staff training as stated in this year's budget proposal.

This is just one of many ways that PEF could be a great business partner to ITS if they were more willing to work with their local PEF leaders on what are shared issues. Workforce development should be important to everyone, because it's a win-win.

It goes back to what feels like a lack of respect on the part of ITS for the state workforce and PEF by extension. The goal of unions everywhere is to band together and protect employee rights. PEF will always need to represent our members when there are problems. The relationship between ITS and PEF doesn't have to be one where we are always battling over issues – it could be one where we work together to find ways to improve our shared organization. The first step to avoiding or overcoming an "us versus them" mentality is for ITS to engage with the local PEF leadership as a business partner. ITS should bring its problems to these local leaders and include them in finding a solution.

There are a lot problems that need solutions. ITS' mismanagement created multiple barriers to the success of Help Desk and Break/Fix functions – such as failing to ensure that IT staff servicing the various state agencies' technology systems had access to those systems and the appropriate networks required to do their jobs. Like last year, we are still in a situation where tasks which could be resolved in ten minutes, now take weeks – and even months - to complete due to the increased bureaucracy and a convoluted ticketing system which ITS has implemented. Help Desk employees are routinely denied access to the systems of different state agencies, eliminating their ability to provide adequate levels of service. These problems have not gone away – so clearly bringing in a contracted service, at a cost of \$58,102,523, to replace state staff was not a great solution!

I want to reiterate that the goal of the IT Transformation was to reduce the state's reliance on consultants by consolidating the talented NYS workforce under one agency, ITS.

These are our jobs, our livelihoods, and our futures. These types of jobs are the cornerstones of the communities you represent.

We implore you to look carefully at ITS budget proposal and help ensure that adequate investments are made in the NYS workforce and in safeguarding the jobs and livelihoods of NYS citizens who fill these positions.

We believe, as we hope you do too, that ITS should not by-pass the Civil Service merit and fitness system and insert 250 SE upper level positions. Additionally, ITS should not be allowed to contract out IT functions such as what recently occurred with Level One/Level 2 (L1/L2) Help Desk and Break\Fix services – displacing more than 160 PEF members.

The answer is to invest in our people, our citizens, and our communities – to utilize our current state employees and to hire new state employees when needed, not contractors, and to deploy them appropriately, to provide them with the training and resources necessary for their success, and for ITS to work with their local PEF leadership as a business partner.

After all, NYS runs on ITS! Thank you very much for your time.