

1 BEFORE THE NEW YORK STATE SENATE FINANCE
2 AND ASSEMBLY WAYS AND MEANS COMMITTEES

2 -----

3 JOINT LEGISLATIVE HEARING

4 In the Matter of the
5 2018-2019 EXECUTIVE BUDGET ON
6 WORKFORCE DEVELOPMENT

6 -----

7
8 Hearing Room B
9 Legislative Office Building
10 Albany, New York

11
12 January 24, 2018
13 2:40 p.m.

11

12 PRESIDING:

13 Senator Catharine M. Young
14 Chair, Senate Finance Committee

15 Assemblywoman Helene E. Weinstein
16 Chair, Assembly Ways & Means Committee

16

PRESENT:

17

18 Senator Liz Krueger
19 Senate Finance Committee (RM)

20 Assemblyman Robert Oaks
21 Assembly Ways & Means Committee (RM)

22

23 Senator Diane Savino
24 Vice Chair, Senate Finance Committee

25 Assemblyman Peter J. Abbate, Jr.
26 Chair, Assembly Committee on
27 Governmental Employees

28

29 Senator Joseph P. Addabbo, Jr.

1 2018-2019 Executive Budget
 Workforce Development
 2 1-24-18

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4 Assemblywoman Nicole Malliotakis

5 Assemblyman Kenneth P. Zebrowski

6 Senator George A. Amedore, Jr.

7 Assemblyman Félix Ortiz

8 Assemblyman John T. McDonald III

9

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 Acting Commissioner

13 NYS Department of
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 Director

15 NYS Governor's Office of
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1 CHAIRWOMAN YOUNG: Good afternoon. I
2 think we're ready to begin.

3 I'm Senator Catharine Young. I'm
4 chair of the Senate Standing Committee on
5 Finance. I'm joined by my colleagues Ranking
6 Member Senator Liz Krueger, Vice Chair
7 Senator Diane Savino, and Senator Joe
8 Addabbo.

9 And I'm also joined by my colleague,
10 the chair of Ways and Means, Assemblywoman
11 Helene Weinstein. So if you could introduce
12 your members, please.

13 CHAIRWOMAN WEINSTEIN: So we are
14 joined by Assemblyman Peter Abbate, chair of
15 our Governmental Employees Committee, and
16 Assemblymember Ken Zebrowski.

17 ASSEMBLYMAN OAKS: I'm Assemblyman Bob
18 Oaks. And with us also is the ranking
19 member, Nicole Malliotakis.

20 CHAIRWOMAN YOUNG: So as you know,
21 this is the hearing on workforce development.

Pursuant to the State Constitution and
Legislative Law, the fiscal committees of the
State Legislature are authorized to hold

1 hearings on the Executive Budget proposal.

2 Today's hearing will be limited to a
3 discussion of the Governor's recommendations
4 as they relate to the state workforce.

5 Following each presentation, there
6 will be some time allowed for questions from
7 the chairs of the fiscal committees and other
8 legislators.

9 I'd like to remind the speakers that
10 we are hoping that you will summarize your
11 testimony rather than reading it word for
12 word, but we truly look forward to what you
13 have to say.

14 So first I'd like to welcome Lola
15 Brabham, acting director of the Department of
16 Civil Service. Following Ms. Brabham will be
17 Michael Volforte, director of the Governor's
18 Office of Employee Relations.

19 So welcome. Look forward to hearing
20 what you have to say.

21 ACTING COMMISSIONER BRABHAM: Thank
22 you.

23 Good afternoon, Chairwoman Young,
24 Chairwoman Weinstein, and distinguished

1 members of the Senate Finance and Assembly
2 Ways and Means Committees. My name is Lola
3 Brabham, and I serve as the acting
4 commissioner for the Department of Civil
5 Service.

6 I appreciate the opportunity to appear
7 before you to comment on the Governor's
8 Executive Budget for fiscal year 2019 as it
9 relates to the Department of Civil Service,
10 as well as to highlight some of our key
11 accomplishments over the past year.

12 As the central personnel agency for
13 state government, the Department of Civil
14 Service delivers critical workforce
15 management services and supports to state
16 entities, serving approximately 150,000 state
17 employees. Over the past several years, the
18 department has worked diligently to advance
19 initiatives to transform state government,
20 improve the efficiency and cost-effectiveness
21 of our programs and services, and
22 strategically plan for tomorrow's workforce.

23 I am pleased to report that last year
24 the department made great strides to

1 modernize the state's approach to meeting
2 workforce needs. In 2017, to support
3 effective workforce management and strategic
4 planning across all state agencies, the
5 department released an updated version of the
6 workforce analytics tool. This newest
7 release provides the HR community with
8 expanded data and reporting capabilities to
9 make evidence-based decisions on workforce
10 and succession planning.

11 In collaboration with OGS, ITS, and
12 GOER, the department is working to
13 consolidate HR functions through a new HR
14 management system. This consolidation will
15 result in multiple benefits. It will
16 streamline HR business processes, introduce
17 greater self-service opportunities for
18 employees and HR professionals, and enable
19 the retirement of outdated and unsupported
20 legacy IT platforms.

21 In the area of workforce mobility, the
22 department continues to modernize the state's
23 civil service title structure by streamlining
24 the number of job classifications and

1 enforcing consistent pay grades. In 2017,
2 more than 100 distinct titles were
3 consolidated, leading to improved recruitment
4 and selection processes and increased
5 management and transfer flexibility
6 throughout the state workforce.

7 Further, the Department has enhanced
8 the state's ability to fill hard-to-recruit
9 positions in critical health, nursing, and
10 medical professions by increasing salaries to
11 better compete with the private sector.

12 State agencies and local governments
13 rely upon the department to administer
14 consistent and timely civil service
15 examinations to meet staffing needs and
16 perform their core missions. Over the past
17 year, the department developed and
18 administered more than 4,800 examinations,
19 testing nearly 215,000 state and local
20 candidates. To improve examination services
21 and maximize efficiencies, the department is
22 modernizing its approach to test development
23 and delivery. This will enable greater use
24 of online testing and streamline examination

1 processes to further address critical
2 workforce needs.

3 The department has also expanded its
4 efforts to promote interest in public service
5 careers. Last year, the department
6 participated in more than 260 outreach and
7 recruitment events, connecting with 20,000
8 job seekers throughout New York State. These
9 outreach efforts led to the expansion of new
10 testing venues through partnerships with CUNY
11 and SUNY to improve candidate access.

12 Following legislation signed by
13 Governor Cuomo to further support veterans
14 seeking employment in state government, the
15 department recently waived the required exam
16 application fee for honorably discharged
17 veterans.

18 The Department also provides technical
19 assistance and training to 95 municipal
20 agencies who are responsible for more than
21 360,000 local government employees. Over the
22 past year, in addition to hosting the annual
23 Civil Service Training Institute, the
24 department provided critical assistance to

1 local administrators and elected officials,
2 responding to more than 2,300 personnel
3 matters.

4 In response to the Women's Workforce
5 Guidance legislation signed by Governor
6 Cuomo, the department, in collaboration with
7 DOL, has undertaken extensive efforts to
8 analyze data and develop strategies to
9 support the state's efforts to attract and
10 retain women in high-paying careers in state
11 service. These efforts build upon Governor
12 Cuomo's legacy of expanding opportunity for
13 all New Yorkers and complement the
14 department's ongoing work to cultivate a more
15 inclusive work environment.

16 The department is proud to have worked
17 collaboratively with the Executive Chamber
18 and many state agencies to implement the
19 nation's strongest and most comprehensive
20 Paid Family Leave program. The Paid Family
21 Leave benefit is now available for executive
22 branch management/confidential employees, and
23 we look forward to expanding the program to
24 unionized state employees as agreements are

1 made through collective bargaining.

2 Regarding the department's role in
3 administering the New York State Health
4 Insurance Program, or NYSHIP, we continue to
5 manage one of the most comprehensive public
6 employer health insurance programs in the
7 nation. NYSHIP provides coverage to more
8 than 1.2 million state and local government
9 employees, retirees, and their families. In
10 line with this, the Executive Budget includes
11 proposals to help restrain the growth in
12 state retiree healthcare costs.

13 In addition, the department recently
14 issued a Request for Proposals for a vendor
15 to provide Empire Plan prescription drug
16 benefits. We are currently evaluating
17 proposals, and vendor selection is expected
18 in the next few months.

19 The initiatives highlighted today
20 reflect the department's continued focus on
21 enhancing our systems and streamlining
22 business processes to better meet state
23 agency needs, while improving services for
24 all New Yorkers.

1 Thank you again for the opportunity to
2 appear before you today. I'm happy to answer
3 any questions you may have.

4 CHAIRWOMAN YOUNG: Thank you very
5 much.

6 I'd like to welcome our colleague
7 Senator George Amedore, who has joined us.

8 Our first person to ask questions is
9 Senator Joe Addabbo.

10 SENATOR ADDABBO: Thank you, Madam
11 Chair.

12 Thank you, Commissioner, and good
13 afternoon.

14 ACTING COMMISSIONER BRABHAM: Good
15 afternoon.

16 SENATOR ADDABBO: Thank you very much
17 for your testimony and for your efforts
18 throughout the year -- (turning on
19 microphone.) Much better.

20 Thank you for being here, and thank
21 you again for your testimony and your efforts
22 throughout the year.

23 I also want to thank you, as ranking
24 member of the Veterans Committee, thank you

1 for your efforts on the veterans, waiving the
2 fees, and for the paid family leave
3 implementation this year. So really
4 appreciate that.

5 In your testimony you mention the word
6 consolidation and streamlining job
7 classifications and 100 distinct titles were
8 consolidated. Does this mean a loss of these
9 positions? Is this a loss of job
10 opportunities or --

11 ACTING COMMISSIONER BRABHAM: Oh, no,
12 absolutely not. It doesn't mean a loss of
13 that at all.

14 What it actually does, we think, is it
15 really advantages state employees. Just to
16 give you an example of what that really means
17 to consolidate titles, one of the titles that
18 we looked at were clerk titles. So for
19 example, you have calculations clerks, mail
20 clerks, all kinds of clerk positions.

21 So rather than hold separate exams,
22 promotional exams for all of those positions,
23 those clerk positions have been consolidated
24 into one title, which makes it easier for --

1 it's more flexible, and it makes it easier
2 for employees to transfer within titles or
3 even across agencies, to avail themselves of
4 additional employment opportunities.

5 SENATOR ADDABBO: So less examinations
6 for that given title.

7 ACTING COMMISSIONER BRABHAM: Yes.
8 There would be an examination for the clerk
9 title, yes.

10 SENATOR ADDABBO: Okay. You
11 referenced workplace injuries, which I think
12 has a direct effect on budgetary matters as
13 well. How do you categorize, how do you
14 evaluate workplace injuries? Do you look at
15 trends and then -- if you do, and I
16 understand you issue a report, how do you use
17 that report and how is that disseminated,
18 that information?

19 ACTING COMMISSIONER BRABHAM: We do
20 collect that data and post the information on
21 our website. It's really the Office of
22 Workers' Compensation that really evaluates
23 what that really means for the state
24 workforce.

1 SENATOR ADDABBO: Are you in
2 consultation with them after the report to
3 figure out, again, if there is a trend in the
4 way you save money and become more efficient
5 to address a certain need, if there's a
6 glaring trend or need to address a certain
7 workplace injury?

8 ACTING COMMISSIONER BRABHAM: Yes,
9 that is something that we're looking at right
10 now.

11 Our role in that is to really gather
12 the data. When there is a workplace injury,
13 that information is gathered and sent to
14 Civil Service and then disseminated from
15 there. And there is an ongoing project that
16 started last year to really look at the
17 titles and the agencies where most of those
18 injuries occur and how those injuries can be
19 reduced or averted altogether.

20 SENATOR ADDABBO: And with that new --

21 ACTING COMMISSIONER BRABHAM: And
22 that -- I'm sorry, go ahead.

23 SENATOR ADDABBO: I'm sorry. No, no,
24 go ahead.

1 ACTING COMMISSIONER BRABHAM: And I
2 was just going to say that that report is
3 being compiled now and is not yet available.

4 SENATOR ADDABBO: That's what I was
5 going to ask you, is there a report that's
6 going to be, at the end of the process,
7 issued?

8 ACTING COMMISSIONER BRABHAM: There
9 will be, yes.

10 SENATOR ADDABBO: Commissioner
11 Brabham, thank you very much. And again,
12 thanks for your testimony.

13 Thank you, Madam Chair.

14 ACTING COMMISSIONER BRABHAM: Thank
15 you.

16 CHAIRWOMAN YOUNG: Thank you, Senator.

17 CHAIRWOMAN WEINSTEIN: Assemblyman
18 Peter Abbate.

19 ASSEMBLYMAN ABBATE: Thank you,
20 Commissioner, for being here today.

21 ACTING COMMISSIONER BRABHAM: Thank
22 you.

23 ASSEMBLYMAN ABBATE: Just a number of
24 questions on the Governor's proposal. He's

1 asking us to authorize the Department of
2 Civil Service to get 300 term employees,
3 you know, in information technology. Without
4 examinations and all.

5 A few years ago, we already did that.
6 I think we did about 150 to 200. And once
7 again, you're asking for the authority to
8 hire more people. How many of those original
9 150 are still there working?

10 ACTING COMMISSIONER BRABHAM: Yes,
11 there was some -- well, just to clarify one
12 point. The proposal is actually to allow the
13 Office of Information Technology to hire
14 temporary project positions.

15 But going back to the other part of
16 your question, I believe there was
17 legislation in 2009 to allow some temporary
18 appointments. And I don't have the number
19 today in terms of how many people are still
20 working at ITS, but I'd be happy to provide
21 you with that information.

22 ASSEMBLYMAN ABBATE: Do you know of
23 any still working, or are they all gone? Are
24 these replacements, or is this an add-on?

1 ACTING COMMISSIONER BRABHAM: I don't
2 know if any from the original legislation are
3 still working at ITS. That's something I
4 could look into for you. But again, that
5 legislation has expired, so this would be an
6 add-on.

7 ASSEMBLYMAN ABBATE: All right. You
8 mentioned that you've administered 4800
9 examinations. Is there an examination for
10 these positions since the last time we
11 appropriated in 2009? Has the agency come up
12 with an exam for this?

13 ACTING COMMISSIONER BRABHAM: Yes,
14 Assemblyman, I believe that there have been
15 IT exams held since the last time we had
16 authorization to hire the temporary project
17 jobs.

18 But, you know, what's happening is
19 over the last several years we've been
20 working with ITS to help them ensure that
21 they have a stable and capable workforce to
22 support the state's massive IT
23 infrastructure. But the challenge with that
24 has been the fact that technology changes so

1 fast and at a very rapid pace. And so we
2 believe that ITS having the project jobs will
3 present an opportunity for the agency to
4 train and transition existing state
5 employees, as well as bring on new skills if
6 necessary to support the state's
7 infrastructure.

8 ASSEMBLYMAN ABBATE: Well, one
9 suggestion should be, like you said, the
10 technology keeps changing. I'm sure there
11 are people in that office that can be trained
12 you know, if we have a program in there, so
13 we don't have to go outside to hire people.

14 The people who we have there I'm sure
15 are just as bright and are willing to learn
16 and take the education, you know, to do that.
17 And I think that would be a better way than
18 outsourcing again. It's demoralizing to the
19 people who are there and want to move up.

20 ACTING COMMISSIONER BRABHAM: Right.
21 I agree with you. And again, I just want to
22 clarify that with the -- many times temporary
23 project jobs are filled by current state
24 employees. So there is nothing in there that

1 would preclude a current state employee from
2 advancing to the project job and performing
3 that job or getting the training necessary to
4 perform that job.

5 ASSEMBLYMAN ABBATE: Okay. And just
6 changing the subject, I notice you're also
7 looking for an appropriation of \$1 million to
8 really fulfill the obligation of Chapter 273
9 for the World Trade Center victims and all.
10 That \$1 million, do you think that's
11 sufficient? Since when I was trying to pass
12 that legislation in our house and the Senate,
13 there was back-and-forth going on that they
14 weren't sure if the Governor was going to
15 sign it because it was such an exorbitant
16 cost.

17 So now I'm wondering, is that
18 \$1 million enough? Because the big stink was
19 that it was so expensive to do.

20 ACTING COMMISSIONER BRABHAM: Yes,
21 there is a new appropriation in our budget
22 this year. But I just want to clarify that
23 the appropriation is to facilitate costs to
24 local governments for their costs. So that

1 doesn't include the state. It's not the
2 total cost of what paid leave would be for
3 individuals who were impacted by their work
4 at Ground Zero.

5 And so, you know, going -- again, this
6 is a proposal in the budget and we'll be
7 talking about this and thinking about and
8 talking to the municipalities about how best
9 to roll that out. And, you know, I
10 anticipate that there will be more details
11 available by the time the budget is
12 finalized.

13 ASSEMBLYMAN ABBATE: Okay, thank you.

14 ACTING COMMISSIONER BRABHAM: You're
15 welcome.

16 CHAIRWOMAN YOUNG: Thank you.

17 I just want to follow up on the ITS
18 worker situation. So you don't really have
19 the statistics today about how many of the
20 slots have been filled. Could you get that
21 for us?

22 ACTING COMMISSIONER BRABHAM:
23 Absolutely. I'd be happy to provide you with
24 that.

1 CHAIRWOMAN YOUNG: That would be very
2 helpful to get that.

3 I know you're talking about the
4 opportunity for people to get some kind of
5 training or maybe people to slide over from
6 other departments or whatever into those
7 slots. One of the issues that I've heard
8 over and over again from the workers at ITS
9 is that they don't have the career ladders
10 available to them so that they can qualify
11 for these positions, and therefore we bring
12 people in.

13 Has there been any specialized
14 training program that's been implemented to
15 help people achieve those jobs if they're
16 interested?

17 ACTING COMMISSIONER BRABHAM: Well,
18 just to clarify, the issue of the career
19 ladder would relate to the competitive
20 workforce and people taking promotional
21 exams. So that would be a separate issue
22 from the temporary project positions.

23 But to your point, in conversations
24 with ITS I think this is something that

1 they're focused on: What are those emerging
2 technologies that people need to be trained
3 in? And they're in the process of doing that
4 right now. I think, you know, that's
5 something that they're keenly focused on.

6 CHAIRWOMAN YOUNG: Okay, thank you.

7 ACTING COMMISSIONER BRABHAM: You're
8 welcome.

9 CHAIRWOMAN YOUNG: When the increase
10 to the minimum wage was passed -- obviously
11 it has an impact on the state workforce.
12 Could you talk about that a little bit as far
13 as the phase-in? Has it impacted the
14 workforce today? Are people still working?
15 How is it -- how is it --

16 ACTING COMMISSIONER BRABHAM: Yeah, I
17 think at the time, if I recall correctly,
18 there were about -- there was some small
19 number of state employees who were impacted
20 by that and did receive an increase in their
21 salary as a result of it.

22 But the majority of the state
23 workforce is really working above that wage
24 level at this time, so the impact at this

1 time would be minimal.

2 CHAIRWOMAN YOUNG: Do you see any
3 issues down the road?

4 ACTING COMMISSIONER BRABHAM: I don't.

5 CHAIRWOMAN YOUNG: Okay. All right,
6 thank you.

7 ACTING COMMISSIONER BRABHAM: You're
8 welcome.

9 CHAIRWOMAN WEINSTEIN: Ken Zebrowski.

10 ASSEMBLYMAN ZEBROWSKI: Thank you,
11 Chair Weinstein.

12 And good afternoon, Commissioner.

13 ACTING COMMISSIONER BRABHAM: Good
14 afternoon.

15 ASSEMBLYMAN ZEBROWSKI: A brief
16 question about a topic that's affected -- I
17 represent Rockland County in the southern
18 part of the state, west of the Hudson suburb.
19 And my question is whether or not your
20 department has done any analysis dealing with
21 employment with other state residents, and
22 specifically whether or not you've done any
23 analysis -- for a number of years I've
24 worked, being a border county with

1 New Jersey -- New Jersey has the New Jersey
2 First Act, which restricts all public
3 employment in the State of New Jersey to
4 New Jersey residents.

5 So if you're a downstate county, our
6 New York residents are put at a competitive
7 disadvantage. They can only apply for
8 New York jobs. Yet for jobs they're applying
9 for, New Jersey and any other state
10 residents. And obviously New Jersey has made
11 an economic decision to close their border.
12 And we've had various conversations with
13 Senators and Assemblymembers over in the
14 State of New Jersey. And I was wondering
15 whether your department has done any analysis
16 of this in terms of, you know, those
17 opportunities for New York residents, and
18 whether or not you've engaged in the past, or
19 maybe with a new New Jersey administration
20 would engage in the future to try to open
21 back up.

22 I know we have policies in New York
23 State dealing with contracts and other things
24 where, when one state would discriminate

1 against New York companies, we may take other
2 actions to try to stop that. And I sort of
3 see this in the same realm. New Jersey has
4 for a number of years now taken steps, and
5 I've had constituents in my office, people
6 that have gone out on maternity or paternity
7 leave and really feared for their jobs at
8 being able to get back into their New Jersey
9 public job.

10 And it's really just kind of closed
11 the border between our two states. I think
12 Governor Christie at the time showed zero
13 propensity to try to engage in any type of
14 talks on how it's affected our regional
15 economy.

16 So my question would be whether or not
17 your department has looked into this at
18 all -- and if the answer is no, whether or
19 not you could.

20 ACTING COMMISSIONER BRABHAM:

21 Actually, the answer is no, we have not done
22 any analysis around that. It's an
23 interesting concept, but we have not.

24 ASSEMBLYMAN ZEBROWSKI: Okay. So my

1 follow-up would just be perhaps over the
2 course of this legislative session we could
3 engage on, especially with a new New Jersey
4 administration coming in, whether or not we
5 can analyze how New York residents have been
6 sort of shut out of sort of that regional
7 economy.

8 And I know it tends to affect more of
9 our border counties. But for those border
10 counties, you know, where literally you can
11 hop over the state line, there really is a
12 competitive disadvantage between the two
13 states and the residents of the two states.

14 ACTING COMMISSIONER BRABHAM: Right.
15 Well, as we go forward with this legislative
16 session, I'd be happy to have an offline
17 conversation -- you know, further
18 conversations with you about that.

19 ASSEMBLYMAN ZEBROWSKI: Great. Thank
20 you.

21 ACTING COMMISSIONER BRABHAM: Thank
22 you.

23 CHAIRWOMAN YOUNG: Thank you.

24 Senator Savino.

1 SENATOR SAVINO: Thank you, Senator
2 Young.

3 Nice to see you again.

4 ACTING COMMISSIONER BRABHAM: Thank
5 you, Senator.

6 SENATOR SAVINO: You actually
7 answered -- or you attempted to answer some
8 of the questions that I had when you were
9 speaking with Assemblyman Abbate, so I will
10 leave the issues around the IT workforce
11 changes to when we get to speak to the agency
12 itself.

13 I want to talk a bit about the state
14 of the state workforce, though. In the
15 Governor's budget he talks about increasing
16 the number of full-time equivalents by a
17 whopping 201 people. So the state workforce
18 is going to go up to 182,565 people.

19 We're actually increasing 8,000 new
20 hires, but we're losing 7800 full-time
21 equivalents. And so every year I have the
22 same conversation with whoever happens to sit
23 in your chair: Are we prepared sufficiently
24 and are we doing succession planning for

1 these agencies?

2 We are losing some of our
3 longest-serving, you know, most knowledgeable
4 state employees in many of these agencies at
5 a time when the demands on state government
6 continue to increase. I'm somewhat concerned
7 because some of the agencies I know are
8 understaffed. If you've ever tried to call
9 the Department of Tax & Finance, you're going
10 to have a hard time getting somebody to
11 respond to you. And with the new tax changes
12 coming, I think it's only going to become
13 even more dire on that workforce.

14 So I don't see the kind of succession
15 planning for the state agencies that I would
16 like to see, and I'm hoping you can speak to
17 me about what's happening.

18 ACTING COMMISSIONER BRABHAM: Yeah,
19 it's something that we've been working on.
20 In fact, you know, over the past couple of
21 years I've come before you and talked a
22 little bit about it, you know, telling you
23 about our efforts around succession planning
24 and putting together resource materials and a

1 toolkit and making that available to state
2 agencies.

3 And we have done that, and we've
4 worked with pilot agencies to try to work
5 specifically with them on their succession
6 plans. And, you know, going forward and as
7 we've begun to do that, I guess what we
8 already knew was even further confirmed,
9 which is that it's just, you know, very
10 difficult. And the feedback that we got back
11 from state agencies is, you know, time
12 constraints around, you know, spending time
13 working with the toolkit and going back to
14 the program and asking the questions and all
15 of that.

16 So in 2017, there was a governance
17 board established with an eye towards really
18 looking at -- on a statewide basis for what
19 the state's HR strategic planning strategy
20 should be. So over the course of this year,
21 the Department of Civil Service has been
22 collaborating with OGS, with GOER, with
23 support from ITS and the Division of the
24 Budget to really come up with a statewide

1 enterprise-wide strategy and put a system in
2 place that really looks at the entire
3 employee life cycle from the day you come in
4 the door until the day you retire, and how do
5 all of the users of that system, whether it
6 be OGS or the OSC or Civil Service, how do we
7 interact with one another to all have the
8 same information and to do more strategic
9 planning.

10 So that's something that we're working
11 on. We're making headway right now. We're
12 in the middle of a fit-gap analysis, meaning,
13 you know, what are the tools at our disposal
14 now, where do we need to go and how do we get
15 there. And we hope to make some headway very
16 soon. But it's something that we know that
17 is important, it's something that we're
18 working on on a weekly basis. Literally I'm
19 attending, you know, meetings and making
20 decisions about the direction the state is
21 going to take. So we do realize the
22 importance and we are working on it.

23 SENATOR SAVINO: Thank you.

24 And I remember last year one of the

1 issues that came up was for those employees
2 who do manage to secure an appointment that
3 require a medical exam, they were waiting
4 months for an appointment. Hopefully that
5 has been addressed, the employee health
6 clearances.

7 And finally, you know, again in the
8 budget every year -- you know, it's becoming
9 almost funny -- is the effort or the attempt
10 to roll back the Medicare Part B protections
11 that retirees have, and every year the
12 Legislature says no. And I would just like
13 to remind everyone, that is an issue that
14 really should be negotiated at the bargaining
15 table where it originated from. And, you
16 know, I get more phone calls from retirees
17 who are concerned that they're going to lose
18 their Medicare Part B retirement.

19 And finally, which won't require an
20 answer, I know you guys have some -- you're
21 looking -- you said "proposals to help
22 restrain the growth in state retiree
23 healthcare costs." I would suggest the same
24 thing to you and to GOER, who I will speak to

1 when they get to the table, that that is an
2 issue that should be dealt with with the
3 representatives of the workers and their
4 retirees.

5 Thank you.

6 ACTING COMMISSIONER BRABHAM: Thank
7 you, Senator.

8 CHAIRWOMAN YOUNG: Senator Krueger.

9 SENATOR KRUEGER: Good afternoon.
10 Thanks for being here.

11 So among the many things the Governor
12 put in his budget that would actually apply
13 to you is, within his Women's Agenda, he
14 actually is saying that the Department of
15 Civil Service and Office of Employee
16 Relations would be responsible for overseeing
17 the development of a uniform anti-harassment
18 policy for all public employees, and my
19 understanding is including the Legislature.

20 The uniform policies would include a
21 time frame for the investigation of claims, a
22 90-day investigation period required, the
23 investigation would be handled by a
24 designated appointee who may not have a

1 stated conflict of interest in the case. And
2 after the 90-day period, a 30-day period
3 thereafter by legal counsel would be utilized
4 to make a recommendation of disposition.

5 The investigative report would include
6 certain required information to be disclosed
7 as to the identities of the relevant party,
8 and in the Legislature a verified complaint
9 would be automatically sent to the
10 Legislative Ethics Commission.

11 So, one, what sort of role do you see
12 the Civil Service Department playing here as
13 laid out by the Governor, and what kind of
14 implementation policy or strategy will you
15 have for that?

16 ACTING COMMISSIONER BRABHAM: Well,
17 you know, let me first say that the State of
18 New York takes sexual harassment and
19 discrimination claims, you know, very
20 seriously. But the Governor thinks that we
21 can do more. So that is why he put forward
22 the proposal for state agencies to have a
23 uniform policy.

24 You know, our role in that is not

1 something that -- it's something that's under
2 discussion right now. And so our role in
3 that, I would imagine, will be to ensure
4 that, number one, our employees are aware of
5 the policy and that they are aware of what
6 steps they need to take if allegations of
7 harassment or discrimination do arise. And
8 we would work closely with GOER, who
9 currently has responsibility for harassment
10 and discrimination complaints.

11 SENATOR KRUEGER: So is it your
12 understanding that you, in coordination with
13 them -- them being GOER -- would be actually
14 writing uniform anti-harassment policies that
15 would apply to all public employees,
16 including employees of the Legislature and
17 the Executive?

18 ACTING COMMISSIONER BRABHAM: I don't
19 know that Civil Service would be involved
20 with writing those policies. Right now that
21 is under the purview of GOER.

22 But certainly we would stand ready to
23 perform our role with regard to ensuring that
24 the state workforce is well-informed about

1 what those policies are and what steps they
2 need to take.

3 SENATOR KRUEGER: And would it be the
4 role of your office to oversee enforcement of
5 the policies?

6 ACTING COMMISSIONER BRABHAM: We do
7 not.

8 SENATOR KRUEGER: That would not be --

9 ACTING COMMISSIONER BRABHAM: That
10 would be GOER.

11 SENATOR KRUEGER: So even though both
12 of you are named as having a role here, what
13 exactly would your department's role be in --

14 ACTING COMMISSIONER BRABHAM: Well,
15 listen. It's still developing, right? So
16 this is a proposal that's under discussion
17 right now. And I would imagine the
18 Legislature will also have an opportunity to
19 weigh in. And if there is a defined role for
20 Civil Service, we stand ready to perform that
21 role.

22 SENATOR KRUEGER: But right now you
23 don't see this as being a role of your
24 division.

1 ACTING COMMISSIONER BRABHAM: No. As
2 I said, our role would be to ensure that
3 employees know what the policies are and what
4 steps that they need to take should
5 allegations of harassment or discrimination
6 arise.

7 SENATOR KRUEGER: And who is the
8 current director of GOER?

9 ACTING COMMISSIONER BRABHAM: That
10 would be Michael Volforte. He's coming up
11 right after I am --

12 SENATOR KRUEGER: He's coming up next.

13 ACTING COMMISSIONER BRABHAM: Yes.

14 SENATOR KRUEGER: Good. I'll ask
15 again. Thank you very much.

16 ACTING COMMISSIONER BRABHAM: You're
17 welcome.

18 CHAIRWOMAN YOUNG: Thank you for your
19 testimony.

20 ACTING COMMISSIONER BRABHAM: Thank
21 you.

22 CHAIRWOMAN YOUNG: Our next speaker
23 happens to be Michael Volforte, director of
24 the New York State Governor's Office of

1 Employee Relations.

2 Welcome, Director.

3 DIRECTOR VOLFORTE: Thank you. Good
4 afternoon.

5 CHAIRWOMAN YOUNG: Again, I would
6 remind the speakers to summarize and not read
7 word for word the testimony.

8 Anytime you're ready.

9 DIRECTOR VOLFORTE: Chairwoman
10 Weinstein, Chairwoman Young and honorable
11 members of the Assembly and Senate, good
12 afternoon. Thank you for the opportunity to
13 appear here today and address Governor
14 Cuomo's Executive Budget proposal for the
15 state workforce. I'm Michael Volforte, and
16 proudly serve as the director of the
17 Governor's Office of Employee Relations.

18 Since I had last had the opportunity
19 to address this group, my office has reached
20 collective bargaining agreements with both
21 the Civil Service Employees Association and
22 District Council 37. These agreements cover
23 the period 2016 through 2021 and continue
24 Governor Cuomo's commitment to balancing

1 well-deserved and fiscally responsible
2 increases in employee compensation with
3 sensible adjustments to employee health
4 insurance benefits.

5 I'm also proud to report that during
6 2016 we partnered with the Executive Chamber,
7 the Department of Civil Service, the Workers'
8 Comp Board and many other state agencies to
9 implement the nation's strongest and most
10 comprehensive paid family leave program.
11 This is now available for all executive
12 branch New York State management/confidential
13 employees. And my office, through
14 negotiations with the unions that represent
15 our employees, is seeking to expand it to our
16 unionized employees as soon as agreements can
17 be reached.

18 We've also implemented the Governor's
19 Empire Star Public Service Awards Program
20 that was approved in last year's budget. As
21 you might recall, those awards will recognize
22 exemplary New York State executive branch
23 employees and their contributions to building
24 a better New York.

1 Awards will be given to employees from
2 across the state. Each winner will receive a
3 \$5,000 professional development scholarship.
4 Nominations for those awards are currently
5 open. We encourage everyone to nominate
6 worthy and deserving state employees.

7 Along with our partners in labor,
8 we've continued our long-standing tradition
9 of providing superior benefit programs for
10 state employees. Our Employee Assistance
11 Program, EAP, which recognizes that employees
12 are subject to stress and pressures that
13 affect their performances at work, assists
14 employees in identifying and resolving
15 personal, family and workplace issues so that
16 they can live happier, healthier and more
17 productive lives.

18 We've also continued our multiple
19 pretax programs, dependent care, healthcare
20 and transportation expenses, and will look to
21 further expand them into areas such as
22 coverage for pretax adoption expenses.

23 Support also continues for our 30-plus
24 childcare centers that are located on the

1 grounds of New York State offices and
2 facilities. These childcare centers enable
3 parents to more fully participate in the
4 workforce and to be more engaged and
5 productive at work, recruit and retain
6 employees, and serve as a model and resource
7 to other employers.

8 We've continued with our commitment to
9 professional development opportunities for
10 our workforce. During the past year, we've
11 expanded leadership training options for
12 mid-level and upper-level management,
13 standardized supervisory training, rolled out
14 an online supervisory toolkit, and increased
15 our professional development opportunities
16 for human resource managers. We've also
17 continued our mandated training program for
18 employees.

19 This year's budget is a positive one
20 from a workforce perspective. There are no
21 layoffs in the Governor's proposed budget.
22 For the sixth year in a row, the workforce is
23 stable with a planned overall net increase of
24 about 200 positions in agencies subject to

1 Executive control. The overwhelming majority
2 of state agencies will maintain their current
3 fill level, with only a handful of agencies
4 reducing fill levels through attrition.

5 As part of this year's budget, the
6 Governor has proposed a series of sweeping
7 actions to protect against sexual harassment
8 and standardize the means and methods by
9 which we investigate and root out this
10 discrimination. GOER stands ready to do its
11 part to ensure that all state agencies comply
12 with this mandate, protect employees, and
13 ensure a safe and healthy work environment
14 for all.

15 As we look towards 2018, my agency
16 will continue negotiations with the remaining
17 unions with open agreements to bring those
18 negotiations to a close in a similar fashion
19 to those we concluded in 2017. Our focus
20 will also include expanding our
21 collaborations with the unions and ensure
22 that government services are delivered in a
23 positive work environment and in a
24 cost-effective manner.

1 I'm confident that through these
2 actions we will continue to ensure that these
3 vital services that are relied on by
4 New Yorkers continue to be provided.

5 Thank you.

6 CHAIRWOMAN YOUNG: Thank you.

7 When Ways and Means Chairwoman
8 Weinstein and I sent out invitations to
9 everyone for today, part of the instructions
10 were to not read your testimony word for
11 word. I just reminded people, and yet the
12 last two speakers have read their testimony
13 word for word.

14 So I would ask people who are on the
15 docket to testify to summarize their
16 testimony. That would be helpful.

17 Senator Savino.

18 SENATOR SAVINO: Thank you, Senator
19 Young.

20 Good to see you again, Mike.

21 I just want to -- I know that you guys
22 have settled most of the contracts with the
23 state workforce, with the exception of I
24 believe it's the uniformed unions, NYSCOPBA,

1 Council 82, the State PBA. Is that correct?

2 DIRECTOR VOLFORTE: That's accurate,
3 with one exception -- with UUP, the
4 University Professionals.

5 SENATOR SAVINO: Thank you.

6 Can you give me the status of those
7 outstanding contracts? Are we close or are
8 we -- without revealing every detail.

9 DIRECTOR VOLFORTE: We're meeting
10 regularly with a number of the unions. Some
11 we've just started with that are open because
12 they've just become open. But we're
13 regularly meeting and when we're not meeting,
14 we're talking. So we think we're making good
15 progress with everybody.

16 SENATOR SAVINO: And I know that when
17 we enacted the Paid Family Leave Law we
18 exempted public employees unless they wanted
19 to negotiate them at a future point. So has
20 there been any discussions with any of the
21 state worker representatives about adding
22 paid family leave to their collective
23 bargaining agreement?

24 DIRECTOR VOLFORTE: We have met and

1 are meeting with all the unions that
2 represent our employees, and continue to meet
3 in an effort to work through questions that
4 they have about implementation of the
5 program, seeking agreements on paid family
6 leave. So we're actually actively engaged in
7 a variety of contexts -- some at the big
8 negotiating table, some to the side of the
9 negotiating table. But we're actively
10 meeting and talking to them at all.

11 SENATOR SAVINO: Well, that's good to
12 hear. I know that we have also afforded the
13 same opportunity to local governments to do
14 the same thing. And I'm not sure if you've
15 been following it, but in the City of New
16 York there's been protracted discussion
17 between the teachers union, the UFT, and the
18 City of New York to add paid family leave.
19 But it appears that the city is looking to
20 impose a very large cost on them as a result
21 of it.

22 Is that your understanding of how it
23 should work? That's not what we're doing in
24 the private sector.

1 DIRECTOR VOLFORTE: I'm not familiar
2 with what they've been negotiating.

3 I would say this. You know, my
4 understanding is is if they're looking to do
5 the statutory program, they have to be within
6 the statutory means, which is the premium
7 rate set by the Department of Financial
8 Services.

9 SENATOR SAVINO: That's my
10 understanding as well.

11 DIRECTOR VOLFORTE: If they're looking
12 to negotiate something different, then
13 they're not doing statutory paid family
14 leave. So I think that would be a subject of
15 bargaining between them and the unions that
16 represent their employees.

17 SENATOR SAVINO: That was my
18 understanding as well.

19 And to the best of your knowledge, no
20 other local government has -- you wouldn't be
21 involved in that, but are you aware if any of
22 the local governments have negotiated paid
23 family leave into their employee benefits
24 yet?

1 DIRECTOR VOLFORTE: I'm not aware of
2 any negotiated agreements in that. But
3 you're right, I'm not -- there's thousands of
4 local governments that could have been doing
5 it, I'm just not aware of any.

6 SENATOR SAVINO: Okay. Thank you.

7 DIRECTOR VOLFORTE: Thank you.

8 CHAIRWOMAN YOUNG: Senator Krueger.

9 SENATOR KRUEGER: Hi.

10 I think you might have heard the
11 question I asked your colleague right before,
12 so I don't want to read it again, if that's
13 okay.

14 DIRECTOR VOLFORTE: I think I heard
15 what you asked, yes.

16 SENATOR KRUEGER: So what is GOER
17 going to be doing, specifically?

18 DIRECTOR VOLFORTE: So GOER is going
19 to be responsible for -- let me take a step
20 back.

21 The overall proposal of the Governor
22 is to establish a floor for all public
23 entities, and each set of public entities is
24 responsible for their compliance with their

1 own floor. You can certainly go above the
2 floor in terms of the baseline provisions in
3 terms of the policies, but the Governor feels
4 it's very important for us all to have a
5 baseline of what a sexual harassment
6 prevention policy and investigative procedure
7 supplies.

8 To that end, when the law is enacted
9 my office will promulgate policies,
10 investigative procedures and compliance --
11 anything else to do with compliance for
12 executive branch state agencies, with
13 whatever the final requirements of the law
14 are.

15 The other sets of public entities will
16 be responsible for their own compliance.

17 So GOER's not, as I read the proposal,
18 not performing the compliance for the
19 Legislature or any public authority or local
20 governments.

21 SENATOR KRUEGER: But am I correct in
22 reading the statute as the Governor proposed
23 it that these policies that you're describing
24 as the floor would apply to the Legislature

6 For example, you cited the 90 days to
7 conduct an investigation. Theoretically, any
8 one of the public entity groups could decide
9 90 days, we want to be shorter, we're going
10 to have an administrative policy of 60 days.

18 DIRECTOR VOLFORTE: For the
19 Legislature, I believe you're correct, yes.

21 CHAIRWOMAN YOUNG: Thank you.

23 DIRECTOR VOLFORTE: Thank you.

24 CHAIRWOMAN YOUNG: Our next speaker is

1 Josh Terry, legislative director of the Civil
2 Service Employees Association, Inc.

3 Welcome, Director.

4 MR. TERRY: Good afternoon.

5 CHAIRWOMAN YOUNG: How are you?

6 MR. TERRY: I'm great.

7 CHAIRWOMAN YOUNG: Good.

8 MR. TERRY: I will not read my
9 testimony, I promise.

10 (Laughter.)

11 CHAIRWOMAN YOUNG: Thank you. We
12 appreciate it very much.

13 MR. TERRY: You have our extensive
14 testimony in front of you --

15 CHAIRWOMAN YOUNG: And I do want to
16 remind everyone, your testimony is put into
17 the record, so every word that you want to
18 say is going to be recorded. But it's always
19 helpful to have this kind of discussion. So
20 thank you very much.

21 MR. TERRY: Absolutely.

22 You know, every year is a tough
23 budget. I mean, that's -- there are no easy
24 budgets. And this year is a little more

1 difficult because of the uncertainty coming
2 from Washington, D.C., with federal funding,
3 notably on healthcare, but amongst many other
4 issues.

5 So you can take one of two routes when
6 you have a problem like this. We can either
7 do what the Governor has proposed in the
8 past, which is cut services further than the
9 bone -- I mean, we've dug so far down there's
10 nothing left to cut -- or we expand the pie
11 and we raise revenue.

12 And while there are cuts in this
13 year's budget, we were very happy to see that
14 he chose the route of expanding revenue and
15 exploring new sources of revenue, a billion
16 dollars worth, which we're fully supportive
17 of.

18 We're fully supportive of allowing us
19 to have some room to grow some state services
20 and grow some local government funding,
21 rather than just going back to the chopping
22 block like we've done for the last eight
23 years.

24 Specifically within some state

1 agencies, we were happy to see that there
2 were no cuts in direct care staff in OPWDD.
3 It's not growing, but we were at least happy
4 to see that there were no cuts.

5 That budget is not perfect; overtime
6 is still a problem within OPWDD. Mandatory
7 overtime is a massive problem. But currently
8 we are working with GOER, OMH, and OPWDD to
9 examine ways to lower mandatory overtime. We
10 have a committee that was set up based on our
11 last state contract, and we're hoping that
12 those discussions will be fruitful.

13 We are supportive of the Governor's
14 proposal to offer state-operated services on
15 the Bernard Fineson Campus. These would be
16 transitional services for people leaving an
17 OMH hospital who are awaiting OPWDD
18 community-based services. We were happy to
19 see that he made the investment in
20 state-operated services rather than moving
21 them to a private party.

22 We're also very supportive that he
23 fully funded the OPWDD care pilot program.
24 These are programs that are community-based

1 settings operated by -- that are performed by
2 state workers. They're very popular, they're
3 at capacity, and we were happy to see that
4 they were fully funded.

5 Within the Office of Mental Health, we
6 do have a problem with this budget. There's
7 a reduction of 271 FTEs and the elimination
8 of 400 treatment beds inside inpatient OMH
9 hospitals. There have been over 650 beds
10 eliminated in the Office of Mental Health
11 since 2014.

12 And we are at a crisis, and we read
13 about it every day in every paper across
14 New York State. There are not enough beds,
15 there's not enough available treatment, and
16 this proposal in this year's budget will only
17 exacerbate it. It is only going to get
18 worse. We have been warehousing people in
19 county jails, and we realize this is not what
20 we should be doing.

21 So this proposal, to us, must be
22 changed. We need to make investments on the
23 state-operated mental health system.

24 Within OCFS, we oppose the closure of

1 Ella McQueen reception center in Brooklyn.
2 We're only given 30 days notice under this
3 proposal. Years ago the Legislature thought
4 to require one year of notice prior to
5 closing a facility like this. And we expect
6 that we would get one-year notice if they
7 want to close a facility like this.

8 The Close to Home initiative is
9 proposed to be extended for an additional
10 five years. We have had concerns about this
11 program since the beginning. And over the
12 next couple of months, we will be meeting
13 with everybody here to talk about changes
14 that we think need to be made to this program
15 in order to have better outcome for youths
16 but also to ensure that public safety is
17 protected in the communities that house these
18 facilities.

19 We are encouraged, under OCFS, about
20 the \$7 million investment in childcare. It
21 is just restoring what we cut last year. But
22 it's a good step in acknowledging that we
23 need massive investment in that sector.

24 Childcare is needed everywhere.

1 Working families need to have their children
2 be able to go somewhere that's regulated and
3 safe. The CSEA-represented providers offer
4 care that is nontraditional. They offer care
5 on weekends, overnight hours. And for a lot
6 of working families, that's what needed, but
7 it's not available. And if it is available,
8 it is very expensive. So we're encouraged by
9 this investment.

10 For the last umpteen years you have
11 rejected the Medicare Part B changes, and we
12 ask you to do that again this year. It's not
13 something that's been negotiated, it was
14 never brought up in our negotiations, and
15 it's time that we just end this and stop
16 going after retirees.

17 One area I want to take a moment to
18 speak on is healthcare. Our safety net
19 hospital funding system in New York is
20 broken. Hospitals that don't have a lot of
21 interaction with Medicaid patients or with
22 the uninsured are getting funding that they
23 probably just don't deserve, whereas our true
24 safety net hospitals, the ones that take care

1 of a disproportionate share, a high number of
2 Medicaid patients, Medicare patients, the
3 uninsured, are not being funded at the levels
4 they need to be funded at.

5 For example, the three SUNY hospitals,
6 Stony Brook, Upstate, and Downstate, they
7 take care of a high number of this population
8 and they're not fully funded. In fact, the
9 Governor proposes to eliminate the
10 \$78 million subsidy this year. That is
11 unacceptable. It should be restored, it
12 should be expanded. These hospitals need
13 more money.

14 I'll just touch on two more issues and
15 I'll wrap up for questions.

16 There's a proposal to give the
17 Division of Budget superpowers to be able to
18 cut state and local government assistance
19 funding across the board. We think this is a
20 gross overreach again this year. We urge you
21 to reject it.

22 And lastly, on economic development,
23 we have spent billions of dollars on economic
24 development to create jobs, to bring

1 businesses. And I'll tell you, we love new
2 businesses and we want jobs in New York
3 State, we want private-sector jobs. But the
4 state has not offered the data to prove that
5 these programs are worthwhile.

6 So we support a top-to-bottom thorough
7 review of every economic development program
8 in the state in order to see what works. And
9 if it doesn't work, we should not be
10 investing more of our money in it this budget
11 year.

12 So once again, thank you for allowing
13 us to testify, and I'll take any questions
14 that you might have.

15 CHAIRWOMAN YOUNG: Thank you very
16 much. And I agree with many of the points
17 that you brought up.

18 I want to thank you for your comments
19 on mental health, and I believe that New York
20 really does a substandard job in many cases
21 on mental health services. We have a big
22 problem with homelessness, we have a big
23 problem with addiction, people
24 self-medicating, we have a big problem with

1 potential issues that relate to Kendra's Law
2 where people are acting out and either going
3 to jail inappropriately -- because jails are
4 not, as you pointed out, equipped to deal
5 with people with mental illness -- or, you
6 know, other things happen that range from
7 violence to suicide.

8 And so I agree with you, I think we do
9 have to add more mental health beds, not
10 eliminate those. And I also want to thank
11 you for your comments on Close to Home. As
12 you know, youth facilitates have been a big
13 issue for many years in making sure that not
14 only the youth are in the proper placement,
15 but also the staff are able to treat the
16 youth and help the youth in an appropriate
17 setting.

18 So I appreciate all that you said and
19 look forward to working with you. And as far
20 as the superpowers, that's a big problem. So
21 thank you for that.

22 MR. TERRY: Thank you.

23 CHAIRWOMAN WEINSTEIN: I just wanted
24 to add thank you for being here and for the

1 work that CSEA workers do throughout the
2 state.

3 On the Close to Home, I'd like to --
4 not now, but at a future time -- to get some
5 more information about some of the concerns
6 you raise, because not -- you raise concerns,
7 basically more safety-related concerns.

8 In the Governor's budget, he
9 eliminates the funding reimbursement to
10 New York City to take over the Close to Home
11 program at \$41 million. So I'm concerned
12 that with the lack of reimbursement and some
13 of the issues you raise, we may be facing an
14 even more severe situation.

15 MR. TERRY: Yeah. We'd love to sit
16 down and talk about that.

17 CHAIRWOMAN YOUNG: Thank you.

18 Senator Savino.

19 SENATOR SAVINO: Thank you, Senator
20 Young.

21 Thank you, Josh, for your testimony.
22 It's actually very helpful.

23 On the Ella McQueen closure, I know
24 that the Governor is proposing to do it, he

1 gave 30 days notice and not a year's notice.
2 Has there been any discussion with CSEA about
3 what's going to happen to the program that's
4 administered at Ella McQueen right now?
5 What's going to happen to the -- it's
6 juvenile delinquents who are processed there
7 when they come through OCFS. So what's the
8 plan for them? Where did the program go?

9 MR. TERRY: We haven't been told.

10 SENATOR SAVINO: You haven't been
11 told.

12 MR. TERRY: We have not been told.

13 SENATOR SAVINO: It's just been -- you
14 know, a 30-day from the day I guess the
15 budget passes, we close the facility with no
16 alternative program. That's a very good
17 question, but I guess we can put that to OCFS
18 when they do come in and talk to us.

19 And on Close to Home, certainly we
20 share your concerns about safety and
21 security. Close to Home is coming up for
22 renewal, so I think we do need to have some
23 very intensive discussions about how to, one,
24 extend the program and how to do it safely

1 for everyone. And how it's going to
2 intersect at some way with Raise the Age,
3 because many of these are the same -- they
4 used to be the same kids who would graduate
5 to adult incarceration.

6 So I look forward to that discussion
7 with you guys going forward. And as always,
8 thank you for your testimony.

9 MR. TERRY: Thank you.

10 CHAIRWOMAN YOUNG: Senator Krueger.

11 SENATOR KRUEGER: Thank you.

12 I also want to thank you for your very
13 broad testimony in a lot of different
14 territory, but I also want to thank you for
15 being the first one to highlight this very
16 dangerous separation-of-powers language that
17 is stuck in over and over again in the budget
18 this year, as it was last year, basically
19 giving DOB the authority to undo a budget
20 after we pass one.

21 And I just think it's important to
22 highlight the dangers of literally writing
23 the Legislature completely out of the budget
24 process.

1 MR. TERRY: And I think, on that, one
2 of the most dangerous parts of that piece is
3 that they can institute these powers on
4 projected revenues, not actual revenues. And
5 you can project anything if you really want
6 to.

7 And so that is a big fear, is if they
8 want to make cuts, they're going to be able
9 to do it no matter what, whenever they want
10 to do it.

11 SENATOR KRUEGER: I agree with you.

12 And then also I completely agree with
13 you on any economic development spending in
14 this state has to be thoroughly transparent
15 and vetted. And we have to ask ourselves the
16 hard questions when we don't have enough
17 money for critical services, is that ever the
18 best use of taxpayers' dollars? I would
19 actually argue lowering business taxes across
20 the board and providing an even playing field
21 would probably be a better answer for
22 economic development.

23 And finally, I want to thank you for
24 highlighting something that never gets enough

1 attention. Libraries are critical in the
2 State of New York. They are a critical part
3 of education and employment opportunities,
4 particularly for low-income people and new
5 New Yorkers.

6 And in the world of a digital divide,
7 inadequate resources in so many ways, we
8 really put a drop in the bucket in libraries
9 throughout the State of New York, which play
10 a vital role in every single community.

11 So thank you for your testimony and
12 all the things that you are supporting.

13 MR. TERRY: You're welcome. Thank
14 you.

15 CHAIRWOMAN YOUNG: Thank you very
16 much. Appreciate all you do.

17 MR. TERRY: Thank you.

18 CHAIRWOMAN YOUNG: Okay, our next
19 speaker is President Wayne Spence from the
20 New York State Public Employees Federation,
21 PEF.

22 We actually have several members from
23 PEF. Welcome. Glad to have you here. And
24 as we pointed out earlier, if you could

1 please summarize, that would be most helpful.

2 PRESIDENT SPENCE: Certainly. We did
3 submit our testimony, which was very lengthy.
4 I do have some notes, and I'll try just to
5 refer to them.

6 So thank you for the opportunity for
7 being here. Again, I represent 54,000
8 professional, scientific and technical titled
9 employees in state government. And I've got
10 to tell you that for years, PEF members have
11 been asked to do more with less. We're at a
12 time when we're now diminished return --
13 we're starting to do less with less. And I
14 want to highlight that.

15 And I also want to highlight the fact
16 that unfortunately a lot of my members' jobs
17 are now being done by costly consultants.
18 And I want to talk about it as it pertains to
19 say OITS. And I heard the chairwoman talk
20 about training, and I'm curious as to why no
21 training money was included in the budget if
22 we're going to talk about training.

23 Recently -- this year -- PEF helped
24 several hundred ITS members prepare for ITS

1 exams in Albany, New York City, and in other
2 parts of the state. They took hours of their
3 time during the week to prepare for that
4 exam, and then they went out on Saturday,
5 some on Sunday, to take that exam.

6 So why did they take the exam, if
7 you're now going to give away those
8 promotional opportunities to 300 people under
9 the guise of -- it's called the Executive
10 Budget proposal allowing 300 people to enter
11 high-level positions within the ITS
12 workforce.

13 I would be remiss in not trying to
14 figure out, then why give the exam? Because
15 if you look at how it's been done, these
16 folks who come in are not actually going into
17 a certain position. It seems that it's done
18 in a way to actually try and select certain
19 individuals for certain jobs.

20 We have a professional workforce with
21 the training and education -- and continued
22 training and education, as technology
23 evolved. The state workforce as it presents
24 itself right now, PEF members can do their

1 job and can deliver the service very well.

2 I want to talk a little bit about
3 design-build. Now, I'm a New York State
4 parole officer, but I also happened to get a
5 degree in electrical engineering. I
6 graduated from New York State Institute of
7 Technology on Long Island. And I happen to
8 travel across the bridges and the Thruway
9 coming up to Albany on a regular basis. And
10 in doing so, I often wonder, when I look at
11 some of these projects -- I mean, I tell you,
12 I went over the Tappan Zee Bridge. It's
13 great, it was design-build.

14 But in design-build, here's what
15 happens. The people who build it, inspect
16 it, test it, with no real state oversight.
17 In the past, if somebody is pouring concrete,
18 state engineers would show up and test that
19 concrete. And if the concrete was not the
20 proper concrete for that job, they'd have to
21 pull it. Sometimes with a fine. Because if
22 you pour a couple of thousand pounds of
23 concrete, it could be a significant amount of
24 money.

1 No one is doing that. In laymen
2 terms, if you're doing a construction and you
3 have an electrician do some work in your home
4 and you need to make sure that job is done --
5 because sometimes you need a CFO and your
6 insurance company wants to know. Would you
7 have that same electrician check his own job,
8 or would you have somebody independent make
9 sure that he didn't cut corners, he didn't
10 use bad wiring, like aluminum wiring that
11 cause fires -- he used the proper wiring,
12 everything was done right.

13 Well, that's kind of, in laymen terms,
14 what I'm talking about with design-build.
15 While it sounds great, is the Tappan Zee
16 Bridge five years from now going to need
17 repair that wasn't expected until 20 years
18 from now? Are all these design-build
19 projects really going to stand the test of
20 time because the materials were used properly
21 and they were inspected properly and nobody
22 tried to game the system?

23 And you're going to trust these people
24 not to game the system, because that is

1 what's going on with design-build. And this
2 budget, again, speaks about expansion of
3 design-build, and I'll ask that you take a
4 good look at that. We have dedicated,
5 qualified engineers right now who can do the
6 job, and they're not motivated by profit.
7 They will put people over profit and safety
8 over profit.

9 I want to talk about nursing and the
10 critical shortage we have in nursing within
11 the New York State workforce. In DOCCS, for
12 example, a Department of Health 2017 report
13 shows that the average nursing vacancy rate
14 is now nearly 20 percent statewide -- but in
15 some places it's as high as 75 percent.
16 Specifically, Sing Sing Correctional
17 Facility, a 75 percent vacancy rate.

18 The Department of Health report goes
19 on to say that recruitment is ongoing, but
20 the gap to get qualified people with nursing
21 salaries is being lost because what's being
22 paid outside of the correction facilities and
23 state facilities, you just can't compete.
24 It's just not there.

1 And if you add the fact of Tier 6,
2 there's not many nurses willing to come into
3 these type of facilities and work for a
4 Grade 16 salary. If they really are serious
5 about retaining nurses, qualified nurses,
6 they would at least consider making it at
7 least a Grade 18 salary.

8 And this is not just PEF, this is the
9 DOH report that actually states that nursing
10 salaries and community salaries continue to
11 making recruiting and retaining qualified
12 nurses nearly impossible. That is a DOH
13 report that I'm telling you that's -- I
14 submitted.

15 I also want to talk about SUNY Upstate
16 for a second as an example of nursing
17 shortage. Recently, this summer that just
18 passed, with the hurricane in Puerto Rico,
19 PEF sent nurses in a team down there for two
20 weeks. The PEF nurses used two weeks of
21 their own vacation to attend. One nurse who
22 put in for a request to go was denied, even
23 though she was using her own time, because
24 SUNY Upstate said that they could not let her

1 go for operational needs.

2 That highlights the critical shortage.

3 Would you want to go to that hospital and be
4 treated if that hospital could not release
5 one nurse who is willing to put in two weeks
6 of her own time, because it would actually
7 fundamentally somehow put the hospital at
8 risk, or that unit at risk? Because that's
9 how severely short SUNY is. That's a
10 problem. And to me, that highlights a
11 problem, and I want you guys to know that's
12 what's going on.

13 And since we're on SUNY, let's talk a
14 little bit about funding for SUNY. The
15 Governor has proposed a \$78.5 million subsidy
16 not to be returned to the SUNY hospital but
17 instead allow it to do a bonding. I don't
18 believe that's going to work. I think -- and
19 I'm asking you that the \$78.5 million subsidy
20 be returned to the SUNY hospital and that it
21 does not become a bonding authority. They
22 need the money. They don't need permission
23 to go out and float a bond. I ask that you
24 would consider rejecting that.

1 And the Justice Center -- another
2 problem for retaining qualified people in the
3 O agencies. I have members who work for the
4 Justice Center. But I've got to tell you
5 that many times there's been nothing but
6 injustice that comes out of it, both for
7 staff and for clients and patients.

8 I recently had a member of my union
9 who told the story of her own daughter who
10 was raped. And her daughter is special
11 needs, and she said nothing happened. They
12 put her daughter back into the same place
13 where the person who raped her was, because
14 she couldn't speak and he had some
15 disabilities himself. That was the Justice
16 Center.

17 And at the same time I hear from
18 nurses and professionals in PEF who said that
19 all a client needs to do is to just make an
20 accusation, and they're walked out.

21 So then if victims are not getting
22 served and the staff is not getting served,
23 then what is the real purpose of the Justice
24 Center? We really need to take a hard look

1 at the Justice Center and their oversight and
2 what is really being done about it, and their
3 mission.

4 Retirees. PEF is against any proposal
5 that would raise fees for people on a fixed
6 income, even more so now that we know what's
7 coming out of Washington, D.C., with the
8 changes in the tax law. I live on
9 Long Island, and it's going to be a struggle.

10 Now, if you're on a fixed income and
11 we're now going to make it harder as a state,
12 to make it harder on our retirees, we're
13 going to compound that with what's coming out
14 of Washington, D.C. PEF retirees are
15 struggling. Retirees in general are
16 struggling to live in this state, and this is
17 not going to help. Any increase to folks
18 that's on a fixed income is not going to help
19 them stay in this place based on what's
20 coming out of Washington, D.C. So I'd ask
21 that you consider that.

22 In closing, I just want to say that
23 this budget is a flat budget. But while it's
24 a flat budget, I still see the reliance on

1 consultants to do the work that PEF members
2 can do. And I ask you guys to consider that.
3 We should be putting people over profit, and
4 many times consultants put profit over
5 people.

6 Thank you very much.

7 CHAIRWOMAN YOUNG: Thank you,
8 Mr. President. I had a couple of questions.

9 So you brought up consultants and
10 contractors and that sort of thing. There
11 have been issues that you've brought forward
12 in the past about ITS. And is that situation
13 any better?

14 PRESIDENT SPENCE: I wouldn't say it's
15 any better. Yes, since last year they did
16 bring the help desk back, so PEF members are
17 now doing some of that work. And I see that
18 there's less complaints coming from agencies
19 in getting passwords reset. So we are moving
20 in the right track.

21 But what I would like to see is more
22 training in-house and more opportunities. My
23 members just took exams; they should be given
24 those opportunities for advancements within

1 their career.

2 CHAIRWOMAN YOUNG: Thank you.

3 I also wanted to ask about your
4 comments regarding the Justice Center. And I
5 believe my colleagues have heard a lot of
6 feedback from a lot of people about the
7 problems that exist at the Justice Center.

8 Has PEF done any kind of white paper
9 on it or any kind of -- have you come up with
10 any recommendations as to how it can be
11 reformed?

12 PRESIDENT SPENCE: We did not do a
13 white paper. We are considering it.

14 What we did do, we partnered with
15 other unions -- not just state unions, unions
16 from New York City like Local 371. The
17 president is Anthony Wells. And what -- and
18 we're getting an idea -- what Anthony Wells
19 did was he actually took a look at assaults
20 pre the Justice Center and post the Justice
21 Center. And he saw there was a significant
22 increase in client-on-client assault and
23 client-on-staff assault.

24 So what he did was he asked for a

1 meeting to talk about workplace violence. He
2 said the Justice Center seemed to have
3 somehow increased the number of reported
4 workplace violence situations. And one of
5 the reasons is that staff is apprehensive in
6 trying to break up a fight or use, quote,
7 unquote, these new techniques in stopping
8 clients from assaulting each other. And then
9 what happens, then staff gets assaulted.

10 And when staff has been assaulted --

11 CHAIRWOMAN YOUNG: Or charged, right?

12 PRESIDENT SPENCE: Yes. And when a
13 staff person is assaulted, other staff is now
14 less likely to intervene in stopping the
15 assault.

16 So we are looking at that and trying
17 to show that maybe the way the Justice Center
18 goes about doing the investigation is
19 stymying staff in being proactive in
20 safeguarding themselves and the clients that
21 they're caring for.

22 CHAIRWOMAN YOUNG: Well, thank you for
23 your testimony. Some members may have
24 questions too. But I want to say thank you

1 to your members for volunteering, for
2 example, going on goodwill missions and
3 helping people in need. And thank you for
4 all that your members do.

5 Anyone want to speak?

6 ASSEMBLYMAN OAKS: Yes. Mr. Abbate.

7 ASSEMBLYMAN ABBATE: Yes, Mr. Spence,
8 thank you for testifying here today on behalf
9 of your membership.

10 I'm a little confused. I asked the
11 commissioner before, of Civil Service, if
12 there were any exams being given out to some
13 of the people in the past. You had mentioned
14 that there had been an exam, where people
15 would study and --

16 PRESIDENT SPENCE: Yes, sir. There
17 were exams given this summer.

18 ASSEMBLYMAN ABBATE: And has anyone
19 been hired or moved up because of those
20 exams?

21 PRESIDENT SPENCE: I don't believe
22 those exams have -- I don't believe the lists
23 have been established yet, sir. I can tell
24 you that I don't know of anybody who's been

1 promoted off the exam.

2 ASSEMBLYMAN ABBATE: So before they've
3 established the lists they're just going to
4 look to hire other people, before they put
5 out a list.

6 PRESIDENT SPENCE: Yes, sir.

7 ASSEMBLYMAN ABBATE: Okay, thank you
8 very much. I'll follow up with the
9 commissioner.

10 PRESIDENT SPENCE: Thank you.

11 CHAIRWOMAN YOUNG: Anyone else?

12 ASSEMBLYMAN OAKS: We do have one.

13 Assemblywoman Malliotakis.

14 ASSEMBLYWOMAN MALLIOTAKIS: Hi. Thank
15 you very much for being here.

16 Both you and CSEA have talked a little
17 bit about the downsizing and closures of
18 mental health facilities. This is something
19 I think is of particular concern. In New
20 York City, there are a lot of instances of
21 individuals who have mental health needs that
22 are on the street, but also they are going in
23 and out of the justice system because they're
24 not being treated. So you will read

1 regularly -- and if you did a Google search,
2 you will see people with 20, 30, 60, even,
3 prior arrests that are being released and
4 being put back on the street, as opposed to
5 getting treated.

6 And we saw these instances, for
7 example, with an individual who ran over and
8 killed one of our EMTs in the Bronx, Yadira
9 Arroyo. We saw incidents of slashing on
10 subways, for example. These individuals,
11 again, had multiple prior arrests.

12 So I have a concern with the closure
13 of these facilities and also moving from
14 inpatient treatment to a more community-based
15 transition. I mean, obviously we'd love to
16 see transitional residences, we want
17 supportive housing. We have to make sure the
18 individuals that are receiving these programs
19 have the ability to operate and function
20 within those programs.

21 So, for example, if we have these
22 transitional residences and we're allowing
23 people to now come in and out of the facility
24 as they please, and then you're calling an

1 ambulance multiple times a week because that
2 person is very unstable -- as I've heard
3 has happened in my community -- that should
4 be something that raises a red flag.

5 So in particular with South Beach
6 Psychiatric Center on Staten Island, they are
7 transitioning more towards a residential type
8 of living as opposed to inpatient treatment.
9 I'd like to know if you can give any
10 perspective from your employees of what
11 they're seeing, since they're right there on
12 the ground. I mean, I'd really like to know
13 what is going on there, because I'm hearing
14 stories that people are exiting the premises
15 and they've had to deal with emergency room
16 visits because they're perhaps individuals
17 that shouldn't be in the transitional
18 program.

19 PRESIDENT SPENCE: I have not heard
20 anything specific about Staten Island. As a
21 matter of fact, one of the members who works
22 there is actually at the PEF office right now
23 dealing with something else.

24 But I can tell you in general when we

1 look at this, my members are saying, time and
2 time again, that these folks who were once in
3 state facilities are ending up in jails now.
4 We've just shifted the costs. And it's not
5 just in jails, local jails. So what we've
6 done now is moved the cost from the state to
7 local communities.

8 So you have Riverhead, New York City.
9 Most county jails -- if you ask most
10 sheriff's departments, they will tell you
11 they're housing more mentally ill now than
12 ever before.

13 I just want to give you some
14 statistics. In 1956, 90,000 beds. As of
15 last year, less than 3,000.

16 Now, I understand the Olmstead Act,
17 which came out of a Supreme Court case. But
18 we are now criminalizing mental illness.
19 That's what we're doing. We are
20 criminalizing mental illness, because we've
21 just taken them out of a setting where they
22 could get treatment, and we've now put them
23 in jail.

24 We've seen the horror stories at

1 Rikers Island, if you live in New York City,
2 where the security, the correction officers
3 are saying we're not equipped to do this.

4 Now, imagine if you add that
5 population to a community, then you add the
6 opioid epidemic to the community. You are
7 stretching the resources of law enforcement
8 and corrections very, very thin.

9 I'm a parole officer. I see people
10 who should not have been in jail and I have
11 to supervise them as a parole officer; they
12 should never have been in jail in the first
13 place. And what is happening is an increased
14 reliance on correctional institutions as a
15 way of housing mental illness. And we should
16 be ashamed for it. I think it's a human
17 rights crime what New York State is doing.

18 And if we're going to be this quote,
19 unquote, liberal state, how about we become a
20 leader and show the rest of the country how
21 it can be done? And we can do it great.

22 And PEF members can do that. We have
23 PEF members who are ready to go in and serve
24 and deliver good mental health services, but

1 we need the body and we need the will and we
2 need somebody who's willing to lead and show
3 there's a different way to do this.

4 ASSEMBLYWOMAN MALLIOTAKIS: It doesn't
5 necessarily take a liberal state. It could
6 be a conservative state. Because I agree
7 with everything you say.

8 As a matter of fact, let me just add
9 one more point. You know, one thing I was
10 thinking about was the utilization of
11 Kendra's Law. When we find out that people
12 are being -- again, this recidivism of people
13 going in and out of the system, and they're
14 not being treated upon release and they're
15 just going back into the community. It's a
16 public health threat for themselves,
17 obviously -- they can go out and hurt
18 themselves -- but also for the community.

19 What are your thoughts on -- is there
20 any type of mechanism that you currently use
21 Kendra's Law within the correctional
22 facilities or the hospitals? Is there anyone
23 that can complete those petitions? Should
24 there be, in your opinion, somebody who is

1 assigned at these correctional facilities or
2 at hospitals, for example -- and I think at
3 hospitals they do have that; more so in
4 correctional facilities -- to be assigned to
5 help complete Kendra's Law petitions for
6 individuals who really shouldn't be back on
7 the street but shouldn't be in jail either?

8 PRESIDENT SPENCE: I do believe. I
9 can tell you that as a parole officer,
10 because I've seen the mentally ill who come
11 out on parole, one of the biggest problems is
12 once they hit the street, who is there to
13 monitor them to make sure they take their
14 medication?

15 I can tell you, it is a very, very
16 tough population. I was not trained as a
17 mentally -- mental health parole officer; you
18 go to special training. I did mostly sex
19 offenders. And on those occasions when the
20 parole officer who was dealing with the
21 mentally ill population was on vacation, I
22 would take his caseload. And I've got to
23 tell you, it was daunting. I was mentally
24 and physically exhausted when I was done.

1 But you can tell, if you see somebody,
2 you can see when they're starting to
3 decompose. You can see when they're not on
4 medication, and you know they're about to do
5 something wrong because there's no one
6 monitoring them to make sure they're taking
7 their medication.

8 And as a parole officer, when I went
9 on visits and I said, "Did you take your
10 meds?" "No, I didn't." "Come on, let's go
11 over to it and let's go through it, let's
12 take the medication." He did.

13 Somebody has to be there to monitor
14 them. And I believe that it is a good
15 investment.

16 ASSEMBLYWOMAN MALLIOTAKIS: Okay, I've
17 run out of time. Thank you.

18 ASSEMBLYMAN OAKS: Thank you.

19 Assemblyman Ortiz.

20 CHAIRWOMAN YOUNG: I couldn't agree
21 with you more, by the way, so thank you.

22 Assisted outpatient treatment through
23 Kendra's Law is the way to go.

24 Anyone else?

1 ASSEMBLYMAN OAKS: Assemblyman Ortiz.

2 ASSEMBLYMAN ORTIZ: Thank you,
3 Mr. Chairman.

4 Thank you, Wayne, for your testimony
5 and for elaborating so many of the issues
6 that brought me back to when I was the chair
7 of the Mental Health Committee, especially
8 the famous Justice Center. I think -- I was
9 the legislator who put the bill together
10 through many, many different players. I hope
11 that as you are talking to 120 and others
12 that you can include me to be part of that
13 process, to be part of a positive solution
14 and looking to what is working, what is not
15 working.

16 I think -- I had have heard from other
17 people as well about the problems that the
18 Justice Center is continuing to have. And I
19 would be more than happy to be part of that
20 conversation and discussion to come up with a
21 very positive resolution on that.

22 Listening to all the angles about the
23 mental health field, I'm very sympathetic. I
24 get very emotional when we talk about mental

1 health issues. These cases continue to be
2 upsetting to hear, especially your statement
3 about we need to do better, we need to have
4 leaders, we need to have people that can step
5 to the plate to make sure that we can have
6 legislation that will be able to really
7 address especially the proceeding of the
8 medication.

9 As the Assemblywoman was pointing out,
10 it's still concerning, it's still a problem,
11 and still we are not addressing the roots of
12 the problem. So therefore I really would
13 like for you to make me part of your family
14 one more time to work on this endeavor,
15 because this is an issue that is impacting
16 people -- most of the people that look like
17 you and me. And I think it's very important
18 that we take it to the next level. And I'm
19 willing to step to the plate to do that.

20 Lastly, I also would like to really
21 commend you and your members who really went
22 to Puerto Rico and gave their support to my
23 island in their most needed times, when they
24 was going through the most devastating

1 situation a month ago, as well as we're still
2 in the same place, we haven't moved from
3 there. And also I would like to take the
4 opportunity to thank all the other unions
5 that also joined forces to help my brothers
6 and sisters in Puerto Rico.

7 Thank you, and God bless. Thank you.

8 PRESIDENT SPENCE: Thank you, sir.

9 CHAIRWOMAN YOUNG: Thank you.

10 Any other speakers? Anyone?

11 Okay, well thank you so much for
12 testifying today. We really appreciate it.
13 Very valuable.

14 PRESIDENT SPENCE: Thank you for the
15 opportunity. And I hope I wasn't too
16 long-winded; I didn't use my notes.

17 CHAIRWOMAN YOUNG: You did a great
18 job. Thank you.

19 Our next speakers are President
20 Barbara Zaron and Executive Director Joseph
21 Sano, Organization of New York State
22 Management/Confidential Employees.

23 Welcome.

24 PRESIDENT ZARON: Hi. Good to see

1 you.

2 CHAIRWOMAN YOUNG: Good to see you.

3 PRESIDENT ZARON: Thank you, Senator
4 Young and members of the committee. We thank
5 you for the opportunity once again this year
6 to talk to you about management/confidential
7 employee and retiree issues and concerns.

8 First we say thank you for the support
9 and all of your efforts to help us ensure pay
10 parity for M/Cs as a result of the salary
11 withholdings in 2009 and 2010. This is the
12 last final pay parity payment this year, and
13 the people who have remained on the payroll
14 are grateful that they are getting something.
15 That solves part of the problem.

16 Retirees who retired since April of
17 2009 have gotten no parity payments. Every
18 year we have come to you with a different
19 proposal, and here we are again with another
20 new proposal. The draft bill is attached to
21 the written testimony, so I won't belabor it.
22 Very simply, people who retired and got no
23 parity payments would be eligible for a
24 \$70-per-month equivalent payment, up to a

1 maximum of \$5,000.

2 So you have the draft, and we'd like
3 to have further discussions about that. This
4 is kind of giving them a pat on the back.
5 It's a recognition that they were kicked out
6 the door without even anybody saying thank
7 you to them, and this should go a very small
8 way toward making them feel better.

9 We have recommended salary commissions
10 in the past to no avail. Of course I'm aware
11 of the unfortunate result of the Legislative
12 Salary Commission, so maybe that's not really
13 the best way to go about addressing this
14 issue.

15 However, we believe it's essential to
16 conduct a complete reassessment of the M/C
17 salary structure. The bandaids that
18 we've been trying to apply, the COLAs, the
19 one-shot fixes, don't address what is a
20 structural compression and built-in inequity
21 in the M/C structure. And we feel it's time
22 for a 21st-century solution to this problem.

23 So you've already talked about the
24 Governor's proposal to eliminate the IRMAA

1 reimbursement and the Medicare Part B cap, so
2 I won't belabor that. Obviously we oppose
3 that again this year and hope you will reject
4 it as well.

5 I do want to very briefly -- because
6 again, we have stuff in the written
7 testimony -- mention the proposal to assign a
8 Chief Procurement Officer to the Executive
9 Chamber. We believe this is absolutely and
10 completely the wrong place to put this kind
11 of operation, and just the suggestion raises
12 the question of potential political influence
13 and interference in the decision-making
14 process.

15 We have two agencies, OGS and the
16 State Comptroller's Office, who are heavily
17 invested and involved in procurement. If we
18 need to make adjustments, we need to make
19 improvements, those are the two agencies that
20 ought to be involved in fulfilling those
21 responsibilities. And we note that last year
22 the New York State Procurement Integrity Act
23 was introduced, and we think we ought to
24 really be focusing on that act and trying to

1 get that passed as one of the ways to move
2 forward on this issue.

3 The second issue is expanding the
4 authority of the State Inspector General, and
5 while we agree -- for SUNY and CUNY and their
6 nonprofit agencies. While we agree that
7 certainly oversight is necessary, we're
8 really concerned about the continued
9 expansion of what we call "government by
10 inspector general." We question why the
11 entities responsible -- SUNY, CUNY, or any
12 other agency -- is not required to have their
13 professional staff do the oversight that is
14 necessary.

15 So we reject this proposal, and we
16 hope you will reject that proposal as well.

17 The Justice Center. We share many of
18 the concerns that Wayne Spence has talked
19 about with the Justice Center.

20 We do acknowledge there were two very
21 slight improvements in the operation this
22 year. One had to do with slightly adjusting
23 the mandatory reporting requirement, and the
24 second was some administrative reviews of

1 substantiated cases which in fact were
2 overturned and reversed, which was the proper
3 decision that was made. So we do want to
4 recognize that.

5 However, the interrogation, the
6 investigation, the adjudication processes,
7 they need to be streamlined, they need to be
8 timely, and they need to be administered with
9 less antipathy to the employees who are
10 providing services to these people.

11 We do support Senator Ortt's bill,
12 which provides for a specific level of
13 oversight through the advisory council. And
14 we do think that kind of oversight is
15 necessary.

16 You've already talked about succession
17 planning. There's a lot of talk about it; we
18 haven't seen any real results as a result of
19 it. We do know that the federal government
20 over the last three or four years has had a
21 successful succession planning program in
22 place. In that program, mentors train their
23 successors and then the mentor has their
24 pension adjusted to accommodate the

1 additional compensation and additional
2 service time. And attrition savings pay for
3 those expenses.

4 We have proposed a similar proposal
5 for the state, and we think that would be one
6 way to at least get the ball moving on this
7 issue.

8 And I do want to -- in our written
9 testimony, we did talk about a variety of
10 concerns we have about the administration of
11 the civil service system. We believe very
12 strongly in the constitutional merit-based
13 system. We believe in a competitive class
14 system. We find that it is being diminished
15 and degraded, which causes us great concern.

16 It was interesting to me that
17 Commissioner Brabham said, when you talked to
18 her about the IT positions and the
19 competitive employees and whether they have
20 opportunities, she said, "Oh, those two are
21 completely separate and different." The fact
22 is that they're not different, they're all
23 part of the same system, and it's simply
24 another example that we see of the degrading

1 of the merit system. So we have a serious
2 concern about that.

3 And I will just mention, Wayne Spence
4 talked about the coalition that PEF is part
5 of to work on the Justice Center, and we are
6 also -- Joe is our representative with that
7 entity, and we think that is moving a little
8 bit toward making some improvements.

9 CHAIRWOMAN YOUNG: Good. Glad to hear
10 that.

11 PRESIDENT ZARON: So I tried to not
12 read.

13 CHAIRWOMAN YOUNG: You did a great
14 job.

15 And Joe, you're so quiet. Joe's so
16 quiet.

17 PRESIDENT ZARON: What can I say.
18 It's unusual. It's unusual.

19 EXEC. DIRECTOR SANO: There's a first
20 time for everything.

21 PRESIDENT ZARON: And I would say,
22 obviously, there are a lot of other things
23 that we could have talked about, but we tried
24 to be respectful -- hi, John -- and pick

1 those that are really of concern to us that
2 are not the rest of the workforce.

3 But we would be most happy to meet
4 with each of you, all of you, and have some
5 further discussion about some of the other
6 issues that we see as well.

7 CHAIRWOMAN YOUNG: Okay. Well, thank
8 you so much.

9 PRESIDENT ZARON: Any questions?

10 CHAIRWOMAN YOUNG: Senator Savino has
11 a question.

12 SENATOR SAVINO: Thank you.

13 Barb, I just have one question. You
14 know, with the government shutdown this week,
15 it made me go back and look at when we were
16 faced with that in 2009 -- 2010, I think it
17 was. And I actually looked at my floor
18 comments and was reminded of what was
19 happening and, you know, how we were forced
20 to vote to continue government because of the
21 effect it would have on the state workforce.

22 One of the proposals in the Governor's
23 bill that he handed us that day was to
24 eliminate the contractual increases that the

1 PEF and CSEA workers and other state workers
2 were going to get, which was a bone of
3 contention for us. But they had already
4 stripped your members of that because you
5 didn't have the right to negotiate over it.

6 So here we are all these years later,
7 and I know that you have some proposed
8 language you attached to your testimony about
9 making whole some of those who have retired
10 since that were deprived that.

11 PRESIDENT ZARON: Right.

12 SENATOR SAVINO: So I'm just curious
13 as to do you have a sense of how many people
14 and what the cost of that would be?

15 EXEC. DIRECTOR SANO: Yes.

16 PRESIDENT ZARON: Now Joe's going to
17 talk.

18 EXEC. DIRECTOR SANO: The cost would
19 be approximately \$8 million, and it would
20 cover -- I didn't bring that number with me,
21 but it's about 2500 people that retired and
22 really received little or nothing.

23 Remember, those that retired after
24 2015 did get some parity money.

1 SENATOR SAVINO: Right.

2 EXEC. DIRECTOR SANO: So that \$5,000
3 figure that we threw into the bill, it would
4 be much less than that because it would be
5 deducted.

6 And the Comptroller has all of those
7 numbers, but we figure it's going to be
8 somewhere maybe as much as \$8 million,
9 probably a little less, because I don't have
10 the death statistics either of the people who
11 retired, were entitled to this, and have
12 died. So I'm assuming, like the
13 Comptroller's office always does, that
14 everybody that retired is still living, and
15 then we back out from that. So it's
16 significantly less than \$8 million.

17 SENATOR SAVINO: If we were to do this
18 and people were to get a -- I guess it's a
19 lump sum, would it affect the calculation of
20 their pension, or would it just be
21 non-pensionable?

22 EXEC. DIRECTOR SANO: No, this is
23 completely separate and different. And
24 that's something I could certainly look at in

1 the next year's round of legislation. Let's
2 pay them first, and then we'll talk about
3 including everybody --

4 (Laughter.)

5 EXEC. DIRECTOR SANO: Thank you for
6 the idea.

7 SENATOR SAVINO: Thank you.

8 CHAIRWOMAN YOUNG: Thank you.

9 Anyone else?

10 SENATOR KRUEGER: Thank you.

11 CHAIRWOMAN YOUNG: Okay. Well, we
12 really appreciate your testimony. Thank you
13 so much.

14 EXEC. DIRECTOR SANO: Thank you.

15 PRESIDENT ZARON: Thank you.

16 CHAIRWOMAN YOUNG: Our next speakers
17 are President Jack McPadden and Executive
18 Director Edward Farrell from the Retired
19 Public Employees Association.

20 Welcome.

21 PRESIDENT MCPADDEN: Chairwoman Young,
22 members of the Senate Finance and Assembly
23 Ways and Means Committees, thank you for the
24 opportunity to speak to you this afternoon.

1 My name is Jack McPadden, president of
2 the Retired Public Employees Association, and
3 I'm testifying with Ed Farrell, our executive
4 director, on behalf of more than 400,000
5 retired public employees and their
6 beneficiaries.

7 Now, the Governor's budget proposes
8 language that if it were adopted, could
9 result in significant premium increases for
10 healthcare benefits for Medicare-eligible
11 state retirees enrolled in the NYSHIP
12 program. While health insurance benefits for
13 retirees are not constitutionally protected
14 as are our pensions, as a responsible
15 employer and as a matter of sound public
16 policy, the state has included retirees in
17 NYSHIP for accessible and federal affordable
18 health insurance coverage.

19 Currently, eligible NYSHIP retirees
20 pay the exact premium contribution as their
21 counterpart active state employees. However,
22 the state has realized significant cost
23 savings for retiree health insurance by
24 requiring that all retirees participating in

1 NYSHIP enroll in the Medicare program upon
2 reaching 65.

3 As a requirement for Medicare
4 enrollment, such retirees must pay the Part B
5 standard premiums while they are also
6 required to pay the full NYSHIP premium
7 percentage contribution to the state for
8 their health insurance coverage.
9 Additionally, some higher-income retirees
10 also pay a Medicare Part B and a Part D IRMAA
11 surcharge.

12 Now, because these actions save the
13 state money, the Legislature provided for
14 full reimbursement of all Medicare Part B
15 premiums. Chapter 602 of the Laws of 1966
16 created Section 167-a of the Civil Service
17 Law to offset this additional cost to the
18 enrollee, so that the enrollee's total cost
19 for their health insurance would remain
20 unchanged.

21 I call your attention to the most
22 egregious part of the Executive Budget, from
23 our perspective, which is the capping of the
24 Medicare Part B premiums at the current year

1 level. The Governor mistakenly refers to
2 this as a "floor," but in actuality it is a
3 cap.

4 Current language in the Civil Service
5 Law requires that retirees be reimbursed the
6 premium charge, with no reference to a
7 specific dollar amount. The Governor
8 recommends that language be inserted which
9 would cap future reimbursement at an amount
10 equal to the current-year Medicare basic
11 premium of \$134 per month.

12 It is a given fact that health
13 insurance premiums increase on a regular
14 basis, and it is horrible public policy to
15 insert a specific dollar amount into the
16 statute. As future premiums increase and the
17 cap language prevents full reimbursement to
18 Medicare-eligible retirees, the state will
19 have broken the covenant it made with its
20 retirees.

21 Also, as he has attempted to do in
22 previous executive budgets, the Governor is
23 once again proposing elimination of the
24 Part B IRMAA surcharge reimbursement. NYSHIP

1 retirees pay this surcharge, ranging from \$53
2 to \$295 a month, and are reimbursed in the
3 following year. We thank you for your past
4 support in rejecting these proposals, and
5 once again urge that this be deleted from the
6 budget.

7 I should note that the state has saved
8 money on retiree drug prescription coverage
9 by blending NYSHIP prescription coverage with
10 Medicare Part D. As Medicare retirees
11 discovered, there is a Part D IRMAA surcharge
12 which the state has refused to reimburse,
13 claiming that Section 167-a of the Civil
14 Service Law does not apply to prescription
15 drug coverage. This surcharge ranges from
16 \$13 to \$75 a month out of pocket for each
17 retiree.

18 The insignificant savings to the state
19 breaks faith with the spirit and intent of
20 the original 1966 Medicare reimbursement law.
21 Last week, a bill to correct the inequity --
22 S1612, by Senator Golden -- was moved to the
23 Finance Committee. The Senate passed this
24 bill last year, and we urge that its Assembly

1 companion -- A2000, by Assemblyman Peter
2 Abbate -- be adopted as well. To state the
3 obvious, Part D of Medicare is in fact
4 Medicare, and should be reimbursed.

5 In closing, I point out that the
6 Executive's stated rationale for these
7 ill-conceived proposals is that retiree
8 health care costs are "beyond the benchmark
9 growth rate of 2 percent per year." This may
10 well be the most disingenuous statement in
11 the entire Executive Budget. The committees
12 are fully aware that no health insurance
13 costs would meet Governor Cuomo's
14 self-imposed 2 percent range. As a matter of
15 fact, retirees are in the same healthcare
16 plan, and pay the same exact premiums, as do
17 active employees. To somehow infer that they
18 are "challenging the state's ability to
19 remain economically competitive" is simply
20 not true.

21 Retirees are major economic
22 contributors to New York's economy.
23 According to the Comptroller, public-sector
24 retirees' annual spending is responsible for

1 over \$12 billion in economic activity and the
2 creation of roughly 66,000 jobs.

3 Therefore, we rely on you to provide
4 budget oversight of the executive branch to
5 protect our health care benefits -- simply
6 said, to make sure that promises made are
7 promises kept.

8 Thank you for allowing me to testify
9 this afternoon on behalf of public employee
10 retirees.

11 CHAIRWOMAN YOUNG: Thank you.

12 Any questions?

13 SENATOR KRUEGER: Just one.

14 CHAIRWOMAN YOUNG: Senator Krueger.

15 SENATOR KRUEGER: Hi. Hi, Jack.

16 Thank you.

17 PRESIDENT MCPADDEN: Senator.

18 SENATOR KRUEGER: I should know this
19 answer, but I don't right now. So in your
20 testimony you don't give a total amount of
21 what the Governor says he would save by these
22 proposals. Do you know?

23 EXECUTIVE DIRECTOR FARRELL: Yes.

24 Each of the components is

1 approximately \$10 million to \$11 million a
2 year when annualized. There's a slight lag
3 on the IRMAA payment because you are allowed
4 to retroactively apply for IRMAA. So even
5 though this theoretically could take effect
6 January 1, there would be some obligations
7 from some prior year.

8 SENATOR KRUEGER: So implementing
9 these changes would not make any significant
10 difference in the overall deficit situation
11 we face as a state.

12 EXECUTIVE DIRECTOR FARRELL: It would
13 not make a significant impact on the state
14 deficit or state budget per se. It is a
15 definite impact for the individuals involved.

16 SENATOR KRUEGER: Yes. Thank you.

17 CHAIRWOMAN YOUNG: Thank you.

18 We appreciate your testimony very
19 much. Thank you for coming today.

20 PRESIDENT MCPADDEN: Thank you,
21 Senator.

22 CHAIRWOMAN YOUNG: Our next speaker is
23 Executive Director Melinda Mack, New York
24 Association of Training and Employment

1 Professionals.

2 Welcome.

3 MS. MACK: Welcome. Thank you.

4 Good afternoon, and thank you. Again,
5 thank you to the chairwoman and the esteemed
6 members of this committee. I really
7 appreciate the opportunity each year to come
8 to speak to you about the importance and the
9 need for education, job training, and
10 employment services throughout New York
11 State.

12 I know traditionally this committee
13 does not focus on what we consider to be
14 workforce development, but because it is
15 called the Workforce Development hearing, we
16 want to come each year to make sure you
17 understand sort of what we're pushing across
18 the state.

19 So as the state's workforce
20 development association, I have 150 members
21 statewide that serve just over a million
22 New Yorkers each year in education, job
23 training and employment services. They range
24 from huge organizations like SUNY, CUNY, the

1 New York State public schools, among others,
2 to small nonprofits and community-based
3 organizations throughout the state that serve
4 a wide range of folks who are in your
5 communities.

6 I'm here today on behalf of those
7 members but also on behalf of a new campaign
8 that's forming called "Invest in Skills
9 New York." Our goal and mission is to really
10 ensure that New York State has not only a
11 strategy for how we're investing in talent
12 across the state, but to make sure that there
13 is a pipeline that all New Yorkers can
14 access.

15 I think as you probably are hearing in
16 your own communities, employers are
17 absolutely desperate for skilled workers. We
18 also have a wide range of folks across the
19 state who are in need of jobs and don't have
20 the jobs or skills available to them to be
21 able to meet the demands of the current
22 workforce. So I'm not going to spend a lot
23 of time explaining the why; I think many of
24 you are very well versed in some of the

1 economic challenges that are happening in
2 your region.

3 I do want to talk about something
4 that's new this year. I think each year
5 we've come talking about the need for
6 investment from the Governor's office. This
7 year the Governor has proposed, in his
8 19th proposal, a \$179 million investment in
9 education, job training and employment. As
10 you probably recognize, this is absolutely
11 historic in terms of being able to create and
12 develop a workforce development system across
13 the state.

14 Traditionally, and what we've sort of
15 come to you to talk about each year, is that
16 New York State is really lagging behind in
17 investing in the pipelines to create a
18 skilled workforce. I share that with you
19 because places like Massachusetts, Michigan,
20 California, Texas invest hundreds of millions
21 of dollars of state money in their workforce
22 development pipelines each year.

23 So again, I bring that to you and want
24 to sort of walk through with you some of our

1 reactions to these proposals, but also to
2 answer any questions that you might have on
3 how this might impact services on the ground.

4 The first proposal is around
5 \$175 million that will be a new consolidated
6 funding application that will be associated
7 with the Regional Economic Development
8 Councils, to be able to invest in regional
9 workforce development strategies.

10 On the surface, we are obviously
11 completely in support of investing resources
12 into communities. I think from our
13 perspective and our members' perspective,
14 there are a few key components of this that
15 we think are really important.

16 The first is that the Regional
17 Economic Development Council process is
18 flexible enough and responsive enough to meet
19 the business need. I think one of the
20 challenges that we see on the ground is that
21 a once-a-year process is not very
22 business-friendly and, more importantly,
23 doesn't respond to the just-in-time workforce
24 needs that we see in the community.

1 Someone who's an ex-offender who's
2 coming out of an incarceration situation,
3 they can't wait a year and a half for a job
4 training opportunity. They need employment
5 services right now.

6 The same thing with a company who's
7 relocating to Western New York or Central
8 New York. They don't want to wait four years
9 for a program to get off the ground, they
10 need something right away.

11 We also believe it's really important
12 that these dollars are flexible. I think one
13 of the things that we see, especially with
14 our members and in our programs, is that the
15 dollars need to be responsive to the need
16 that's on the ground.

17 Again, the needs of our members in the
18 North Country certainly vary and are
19 different than the needs of the members in
20 New York City, and those dollars need to be
21 flexible enough to ensure that the
22 New Yorkers who are in these education and
23 training programs are getting the supports,
24 services and training that's necessary for

1 them to be successful but also, more
2 importantly, is flexible enough to respond to
3 the business need.

4 In some instances, in some cases,
5 employers are able to put a lot more
6 resources and dollars of their own on the
7 table; in other instances, they're not. And
8 so how do we make sure that it's equitable
9 across large and small companies as well as,
10 again, those regional needs.

11 And then lastly, we really think that
12 this needs to be something that is monitored
13 by the Legislature and, more importantly, has
14 accountability associated with it. I think
15 one thing that our field gets frustrated with
16 is this "What's the ROI, what's the outcome?"
17 We can show you that.

18 The data systems that the state often
19 collects don't provide that data back out to
20 the Legislature or to the folks who are
21 interested in our programs. And we want to
22 make sure that we're able to show and
23 describe an investment in programs that work.
24 And so again, we hope and expect to see some

1 accountability there.

2 The second proposal is around creating
3 a new Office of Workforce Development. There
4 is no legislative language that would allow
5 for this office's creation within the
6 Executive Budget. However, we do think it's
7 a good idea.

8 I think one of our major frustrations
9 across the state is we're unclear of who's
10 minding the shop. We have many different
11 programs, many different agencies that are
12 running programs that are meant to educate,
13 train, and develop the workers of today and
14 tomorrow; most of those are not connected in
15 a meaningful way. In particular, for
16 programs that the state operates and runs, we
17 would love to see general or common
18 performance measures so we're all working
19 towards the same outcomes or goals.

20 So again, I think there's a lot of
21 opportunity to create a new office to allow
22 for not only deeper coordination but
23 accountability and, more importantly,
24 responsiveness not just to constituents but

1 also to the business community as well.

2 I think, again, our biggest concern
3 about this is whether or not it will have
4 teeth, whether or not we'll actually be able
5 to move state agencies into a more productive
6 space. But more importantly, that this isn't
7 going to become another bureaucratic layer
8 that slows things down. We want to make sure
9 things are still able to be responsive to
10 employers.

11 The next proposal was a one-stop shop
12 for workers and businesses. Again, we are
13 very much in support of improving the online
14 presence of the description of services to
15 businesses as well as job and career seekers
16 across our state. I think we can probably
17 all agree that one of the things the state
18 doesn't typically do well is online
19 communication or making sure that all of the
20 ways we engage with our constituents and
21 stakeholders is within the 21st century.

22 In particular, as the jobs of today
23 and tomorrow change, we'd love to be able to
24 make sure that the folks who are in the field

1 are up-to-date on the labor market data,
2 up-to-date on the types of opportunities that
3 are available across the state.

4 And then finally, one that's near and
5 dear to my heart is this idea of using data
6 to better understand where we invest our
7 resources. The Governor's office has
8 proposed more or less modeling the Monroe
9 Community College data analytics program to
10 be able to really understand and map the
11 demand so that you're better able to create
12 programs that are responsive to the demand
13 within a region.

14 We absolutely think that that's an
15 idea that not only should be invested in, but
16 is something that we should probably model
17 all government after. Because at the end of
18 the day, we want to make sure what we're
19 investing in works and it's also meeting the
20 needs of the folks across our community.

21 So with that, I will sort of close by
22 saying this is a time, this is a moment. We
23 typically have not been able to get the
24 Governor's attention. The Legislature has

1 been supportive year over year in investing
2 in groups like the Workforce Development
3 Institute. We believe that type of
4 investment should continue. But let's take a
5 real stab at creating a workforce system that
6 is helping our state respond to the workforce
7 needs of today and, more importantly, of
8 what's coming down the pike for tomorrow.

9 So with that, thank you.

10 CHAIRWOMAN YOUNG: Thank you.

11 Any questions? Well, we certainly
12 appreciate your testimony today.

13 MS. MACK: Thank you so much.

14 CHAIRWOMAN YOUNG: Thank you.

15 SENATOR KRUEGER: Thank you.

16 CHAIRWOMAN YOUNG: And our final group
17 is the New York Caring Majority, and that's
18 made up of Brian O'Malley, executive director
19 of the Consumer Directed Personal Assistance
20 Association of New York State; Allison Cook,
21 New York policy director for the
22 Paraprofessional Healthcare Institute; Karla
23 Lawrence, member of the National Domestic
24 Workers Alliance; and Sylvia Vogelmann, member

1 of Jews for Racial & Economic Justice.

2 Thank you for coming.

3 MS. COOK: Hi. Thank you for having
4 us.

5 First I'll start by introducing the
6 Caring Majority, the group that we're all a
7 part of. We are a movement of older adults,
8 people with disabilities, family caregivers
9 and workers, with the goal of improving home
10 care jobs and improving access to long-term
11 care.

12 So personally I am from PHI, the
13 Paraprofessional Healthcare Institute, and we
14 look to improve the quality of long-term care
15 by focusing on direct care workers. We have
16 two sister organizations. One is Cooperative
17 Home Care Associates, which is a home care
18 agency and the largest worker-owned co-op in
19 the U.S., and the other is Independence Care
20 System, which is a nonprofit Medicaid
21 managed-care plan.

22 So you might ask why are we here
23 today. While home care workers are not --
24 may not intuitively be defined as public

1 employees, most of the funding for home care
2 comes through the Medicaid system in New York
3 State. Therefore, these are public dollars
4 that are determining their wages, their
5 training, their benefits, and everything in
6 between. The quality of their jobs.

7 So we have a responsibility to have a
8 real workforce development plan in place for
9 this workforce. This is a large field and
10 one of the fastest-growing. We have over
11 325,000 workers. And over 10 years, that's
12 expected to grow by about 38 percent, or
13 125,000 jobs.

14 Meanwhile, we're already facing a
15 workforce shortage, which means that
16 employers are not able to meet their needs,
17 the state is not able to meet its needs, and
18 consumers can't receive the care that they
19 need.

20 So I'm going to pass it to Karla, and
21 then we'll come back to some of our
22 recommendations.

23 MS. LAWRENCE: Hi. Good afternoon.

24 CHAIRWOMAN YOUNG: Good afternoon.

1 MS. LAWRENCE: My name is Karla
2 Lawrence. I'm here today on behalf of the
3 Caring Majority and National Domestic Workers
4 Alliance and also 1199 SEIU. I am a care
5 worker.

6 And to piggyback on what my colleague
7 said earlier about the budget for the
8 workforce development that's been proposed by
9 Governor Cuomo, there is not much -- I didn't
10 really see anything there for care workers.
11 And, you know, that's a concern to me because
12 our work is so important. We care for
13 New York, we care for this country. And
14 without our work, there would be so much
15 slip-and-fall accidents with our clients whom
16 we serve, and it will be more costly to the
17 state in workers' comp, you know,
18 reimbursements and things like that.

19 So we would like for you to look into
20 the budget, you know, to fund healthcare,
21 because that is such a great investment in
22 ourselves. Because, you know, the aging
23 population, the disabled -- the disabled, the
24 aging, and even the young, because society

1 puts so many stress -- so much stress on us
2 that as -- I've been listening to the
3 testimonies earlier. And Mr. Spence, he was
4 saying that in the jails and the prisons,
5 people are coming in there, they're not
6 actually a crime -- they don't actually do
7 the crime. But because of the stresses and
8 everything else society puts on them, they
9 become mentally challenged, they end up in
10 jail and things like those.

11 When, listen, these are things that we
12 as healthcare workers are going to face.
13 Because we are faced with economic problems,
14 we can't pay our bills because we are not
15 being paid sufficiently to live a decent
16 wage. And, you know, those are the things
17 that we are facing. And if we don't look at
18 these problems and address them head on, we
19 are going to be in more serious problems down
20 the road.

21 Anyway, I would like to just read from
22 my testimony here. I promise I won't be
23 long. If you guys want me to share my
24 personal story? Or you want me to go ahead

1 into the --

2 CHAIRWOMAN YOUNG: Well, we're asking
3 people not to read the testimony. So if you
4 have a story or something that you want to
5 share with us, we would welcome that.

6 MS. LAWRENCE: Okay. Well, I'll make
7 my story short.

8 I'm a immigrant from Jamaica. And I
9 remember when I used to live there, I used to
10 care for my grandmother. And that's where my
11 passion came for this kind of work. I became
12 a care worker straight out of high school,
13 and I've been doing it up to this day.

14 And I see the fulfillment and the joy
15 when I care for a patient or a resident or
16 whomever it be. You know, I see the
17 satisfaction in their eyes when they get
18 their needs met.

19 And I would also like to say that as
20 you may know, our state is facing a
21 crisis-level shortage of home care. As a
22 result, seniors face delayed discharge from
23 hospitals or require costlier
24 institutionalization rather than their

1 preferred and often less expensive services
2 at home. Okay?

3 An immediate investment to recruit and
4 retain home care workers will save local
5 taxpayers from paying a higher Medicaid bill.
6 But without action from the state, both the
7 Medicaid and non-Medicaid populations remain
8 underserved.

9 Regardless of a person's income, there
10 simply isn't a large enough workforce made up
11 of dedicated individuals like myself. Low
12 wages and challenging working conditions make
13 it almost impossible to be a care worker.
14 Being a member of 1199 means I'm better off
15 than most home care workers, but we are still
16 undervalued.

17 I can tell you because of the short
18 staffing -- and as one of the speakers said
19 before, that myself and many of my coworkers,
20 we weren't able to be granted a vacation or
21 time off. We had to work both holidays
22 because the institution was short of staff to
23 staff the facility. And those are the things
24 that's facing many care workers, hospital --

1 I mean, all across the board, those are the
2 problems we are facing. Okay?

3 So having a care worker like me can
4 prevent unnecessary falls and
5 hospitalizations, not to mention ensuring
6 that seniors are eating well and taking their
7 medications. Home care workers are vital in
8 preventing these costs and unnecessary
9 setbacks.

10 I would also like to applaud Governor
11 Cuomo's inclusion of workforce development as
12 a priority for the 2018 budget. I urge this
13 Legislature to ensure that home care is
14 included in our state workforce development
15 agenda. It's the fastest-growing
16 occupational sector and the one in which
17 women, especially women of color, are
18 overrepresented. #TimesUp on a workforce
19 development agenda that does not prioritize
20 the needs of women workers and our families.
21 I urge you to fund the Home Care Jobs
22 Innovation Fund, which Allison will discuss
23 further in our testimony.

24 And I would also like to thank you for

1 hearing my testimony today. The New York
2 Caring Majority looks forward to working with
3 you in the weeks and months ahead to do right
4 by the millions of New York seniors, family
5 caregivers, people with disabilities, and
6 home care workers as we join forces, because
7 we are truly the caring majority.

8 CHAIRWOMAN YOUNG: Thank you.

9 MS. LAWRENCE: I give it over to
10 Allison.

11 MS. VOGELMAN: Good afternoon. My
12 name is Sylvia Vogelmann. I'm a senior and a
13 member of Jews for Racial & Economic Justice
14 and the Caring Majority.

15 Seven years ago, I fell, had to have
16 surgery on my leg, put in a cast, and I
17 needed help. I'm a single person. I had
18 nobody to take care of me. The people in the
19 neighborhood where I was staying came and
20 offered me food, but I had nobody to take
21 care of my daily activity. It was all the
22 way out on Long Island, in a place called
23 Orient on the North Fork.

24 I hired somebody privately. She ended

1 up getting injured. I hired another person,
2 who was okay for two weeks. But because they
3 don't get paid through an agency for travel
4 time and for gas, it's very difficult for
5 home care workers to make a living wage.
6 Eventually I did find somebody closer.

7 But it would be much easier if
8 individuals were paid for the gas and for
9 their travel time in areas where there is a
10 workforce shortage, such as Long Island,
11 upstate New York. It's really important to
12 want to pay individuals a living wage, \$15.
13 But I don't know, now that I'm retired, if I
14 can really afford that. And would that allow
15 me to stay at home in my own space?

16 All these kinds of considerations are
17 really important. Every eight seconds, an
18 individual turns 65. People are going to
19 need home healthcare if they want to stay in
20 their homes. It's really an important part
21 of workforce development, and it has not been
22 put into this year's budget.

23 I hope that you will take a look at
24 this. Many of you, I'm sure, have already

1 had to deal with this situation for a family
2 member, friend, you know -- and many of you
3 will have to deal with it in the future,
4 honestly. Okay? I don't mean tomorrow;
5 hopefully all of you will be here. But in
6 the future, you will all have to deal with
7 it. And there is a workforce shortage.
8 People deserve to live in place if they want
9 to, have home care if they want to, and
10 individuals have the right to a living wage
11 and to be treated with dignity.

12 I hope you will consider all of these
13 items, and I applaud you for your efforts to
14 protect workers and transform New York into a
15 more caring place to live.

16 And the last thing I would like to say
17 is Senator Liz Krueger, I would like to thank
18 you for everything you do -- even though I'm
19 not in your district -- for seniors. I'm
20 right across the park from you, but I go to
21 many of your events, and they are really,
22 really helpful. And so thank you so much.

23 SENATOR KRUEGER: Thank you very much.

24 MR. O'MALLEY: Good afternoon. My

1 name is Brian O'Malley. I'm with the
2 Consumer Directed Personal Assistance
3 Association of New York.

4 I'm just going to quickly echo some of
5 the thoughts of Allison, Karla, and the
6 others.

7 This budget largely ignores the need
8 of one of the fastest-growing sectors of
9 New York State's economy. Particularly
10 within consumer-directed personal assistance,
11 a portion of the home care industry, we have
12 grown by 250 percent over the past five
13 years. That's meant approximately 25,000 new
14 jobs to the State of New York.

15 Unfortunately, these jobs are often
16 funded at what is quickly becoming minimum
17 wage. And it is the lowest tier of the six
18 minimum wage packages that we currently have.
19 Home care workers, consumer-directed personal
20 assistants, are the lowest-paid industry in
21 the State of New York. And given that
22 consumer direction is a Medicaid-only
23 program, this is the equivalent of us funding
24 community group homes and the psychiatric

1 centers and others at wages that pay at
2 levels where the workforce is itself on
3 Medicaid.

4 Last year CDPAANYS did a report based
5 upon a survey of our consumers. We found
6 that it took two-thirds of consumers over one
7 month to find a new staff person. It took
8 one-eighth of them over six months to find a
9 worker. And one out of every 20 consumers,
10 or 5 percent, took longer than a year to find
11 somebody to come into their home and perform
12 critical tasks that let them stay in their
13 home.

14 Why don't workers stay? Because of
15 wages. Over half of the workers identified
16 wages and low wages as the primary reason
17 that they were leaving. To put that in
18 context, the next leading cause was too few
19 hours, and that came in as at less than
20 10 percent.

21 So consumers are in a state of
22 perpetually hiring. Fifteen percent of
23 consumers are advertising more than 10 times
24 a year for new staff. When they finally get

1 staff, they can't keep them. This is due to
2 a wage that is too low.

3 These are public workers. They used
4 to get a reasonable wage. In 2006, workers
5 were getting about 150 percent of the minimum
6 wage -- about 150 percent of the federal
7 poverty level. We applauded when the
8 Governor raised the minimum wage and went to
9 \$15 an hour. Unfortunately, what that meant
10 was raising home care workers to \$15 an hour
11 and bringing home care workers to a
12 minimum-wage workforce.

13 Everyone deserves a living wage, but
14 home care workers deserve to be treated with
15 respect and deserve to have their wage
16 reflect the respect and the hard work that
17 they do to keep seniors and people with
18 disabilities out of the community.

19 In the Governor's budget he does call
20 for a study to address wages. This is within
21 rural areas and fee-for-service only. And
22 yes, rural areas are facing a critical
23 shortage, as many of you know. But that
24 shortage is on Long Island, it's in

1 Westchester, it's in New York City, it is in
2 our suburbs and our small cities upstate as
3 well. There is no place in the state that is
4 immune from this shortage.

5 And we need to make sure that the
6 funding is there across the board. We can't
7 just put money into the system and let
8 managed-care plans increasingly keep it for
9 themselves and not pass it through to
10 providers and down to workers. These are the
11 problems that we're seeing.

12 The state is funding \$262 million for
13 raises for direct care professionals on the
14 developmental disability side. But if you
15 have a physical disability, you get
16 \$3 million and a study. There is a
17 discrepancy between those two things, and it
18 creates a discriminatory process that depends
19 on -- your workers can get paid depending
20 upon what disability you have.

21 This is not fair, it is not consistent
22 with New York's values, and we would call on
23 you to fix that in this budget. Thank you.

24 CHAIRWOMAN YOUNG: Thank you.

1 MS. COOK: Okay, I'll keep it brief.

2 As you can tell, there is a lot of
3 intersection between workforce development
4 policy and health policy that affects this
5 workforce. So one of our recommendations is
6 that there should be greater coordination.
7 There should be some sort of workgroup or
8 entity that looks at coordinating the
9 workforce development and the health funding
10 so that we can have the maximum impact and
11 positively help this workforce -- meanwhile,
12 improving quality of care and access to care
13 for New Yorkers.

14 I think two of our panelists mentioned
15 another recommendation, which was the Home
16 Care Jobs Innovation Fund. This is our
17 proposal to fund pilot projects that would
18 test workforce development investments in
19 addition to training.

20 For example, some workers upstate --
21 or most home care workers upstate are
22 required to have their own car to go to and
23 from their clients. When you are in minimum
24 wage or around minimum wage, the maintenance

1 and insurance can be prohibitive, and workers
2 don't come into this field. A pilot project
3 that tests some sort of transportation fund
4 could be funded through this proposal.

5 Overall, the goal of this pilot
6 program would be to identify strategies that
7 could be implemented on a broader scale and
8 help the state develop a comprehensive plan
9 to address the workforce shortage in home
10 care across the state.

11 We have additional proposals that are
12 in our written testimony. I know that I only
13 have about 30 seconds, so I will just sum it
14 up by saying thank you for having us, we are
15 happy to take any questions. And I'll end
16 there.

17 CHAIRWOMAN YOUNG: Thank you.

18 Senator Krueger.

19 SENATOR KRUEGER: Thank you. I want
20 to thank all of you for your testimony.

21 Just in reference, I know Brian knows
22 this, I am actually hosting a roundtable
23 discussion in two weeks down in my district
24 on the work of caring for and supporting

1 older adults in the 21st century, because of
2 exactly what you're describing as being
3 statewide realities. That even in New York
4 City, where perhaps transportation isn't the
5 issue, we are finding a constant problem with
6 inadequate numbers of people to provide the
7 work that we know will be needed by more and
8 more and more of us as our population
9 continues to age demographically.

10 So thank you for coming to Albany.

11 MS. COOK: Thank you.

12 CHAIRWOMAN WEINSTEIN: Assemblyman
13 McDonald.

14 ASSEMBLYMAN McDONALD: Thank you.

15 And thank you for your testimony. I
16 fully agree. Being in healthcare, I know
17 what you go through on a regular basis.

18 I think my question -- not to divert
19 from your request -- you know, with the
20 Medicaid redesign, with the whole DSRIP
21 process, the whole PPSs, have you been
22 engaged in that process, have you been
23 invited to participate in the process? Are
24 you familiar with what I'm talking about with

1 DSRIP and things like that?

2 MR. O'MALLEY: So I can speak on
3 behalf of Consumer Directed. There are
4 fiscal intermediates, the agencies that are
5 behind and that support the workers and
6 ultimately reimburse -- get reimbursed from
7 the managed-care plans. They are in many of
8 the PSSs.

9 CDPA is not yet in value-based
10 purchasing. We will be moving there in the
11 future. However, due to complications based
12 upon the fact that the consumers themselves
13 are in control of their actual services, it
14 just adds a level of complexity to
15 value-based purchasing that the state wants
16 to sit down and figure out.

17 ASSEMBLYMAN McDONALD: Thank you.

18 CHAIRWOMAN YOUNG: Thank you.

19 MS. COOK: I'm just going to add
20 quickly. I will say there have been
21 investments in training, which are very
22 needed.

23 I don't know -- one of our
24 recommendations is that those investments

1 should be made with increased consultation
2 with workforce development experts.
3 Sometimes they're not necessarily tied to a
4 job. So if a worker goes to get additional
5 training, it makes sense that there should be
6 a job with higher pay at the end of that.

7 One of the new programs that we're
8 very excited about is the Workforce
9 Investment Program through managed long-term
10 care, and that's specifically for training.
11 Disclaimer: PHI is one of the entities that
12 has been approved to provide some of that
13 training.

14 ASSEMBLYMAN McDONALD: Good. Thank
15 you.

16 CHAIRWOMAN YOUNG: Thank you.

17 We appreciate your testimony very
18 much. Thank you for sticking it out
19 throughout the day.

20 And I want to thank everyone who also
21 stayed, in the audience and all of our
22 colleagues, for your longevity and
23 determination and stamina.

24 So tomorrow is the Transportation

1 hearing, look forward to it. And again,
2 thank you very much. That concludes the
3 Workforce Development hearing today.

4 And again, we thank everyone who took
5 the time to participate. Thank you.

6 (Whereupon, the budget hearing
7 concluded at 4:52 p.m.)

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