



POLICE CONFERENCE *of New York, Inc.*
~ Union of Professional Police Officers ~ *Founded in 1925*

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TESTIMONY

Joint Budget Hearing on Workforce Development / Labor

January 30, 2024, at Albany

The Police Conference of New York, commonly referred to as PCNY, formed 99 years ago in 1925, is a state-wide labor organization consisting of hundreds of police unions and groups representing more than 50,000 professional police officers throughout the State of New York. Our representation stretches across the entire state, from the tip of Montauk Point to the borders of Pennsylvania and Canada. PCNY membership is comprised of local, county, city and state police, along with groups as diverse as the MTA Police, the Niagara Falls Transit Authority Police, and the Port Authority (of NY&NJ) Police. We also count among our member groups some regional conferences, such as the Affiliated Police Association of Westchester (which represents more than 50 law enforcement labor unions), or the Suffolk County Police Conference (which represents more than 25 law enforcement labor unions).

PCNY leadership is active, engaged, and experienced in the representation of law enforcement officers, aided by counsel and professional support personnel.

Law enforcement, as is the case with several other public sector professions, is suffering from severe staffing shortages. Our intention in this testimony is to highlight what we believe to be the major causal factors for these shortages, mainly the recruiting and retaining of quality and qualified personnel. Without getting too far “into the weeds” with an overwhelming amount of statistics, we will demonstrate, anecdotally, and with some statistics where appropriate, these main causes.

Pensions: New Pension Tiers

Both recruitment and retention have direct correlations to New York State’s newer tiers, which were emplaced virtually overnight with scant aforethought and no study.

When Tier 2 was instituted in July 1973, it followed an exhaustive study (more than two years) by a legislatively-created commission, the “Permanent Commission on Public Employee Pension and Retirement Systems”. As a matter of fact, most of the more draconian proposals proffered by that commission were not included in what ultimately became Tier 2; that can be attributed directly to the input from stakeholders. Even the City of New York was opposed to the totality of the commission’s proposals. Nonetheless, there were significant differences instituted modifying the existing Tier 1 plans.

Notwithstanding the above, Tier 2 for police and fire, albeit significantly more restrictive and less lucrative than Tier 1, was extended every two years for well more than a quarter century! On June 2, 2009, then-Governor David Paterson, without warning (even to that year’s legislative sponsors Senator Diane Savino and Assemblyman Peter Abbate!), vetoed the extension legislation. This effectively created Tier 5, with no study or input from the legislature or the stakeholders as had been undertaken in the early 1970s prior to the adoption of Tier 2.

Almost as a “Can I top that?” gambit, three years later, again with little to no study or input, then-Governor Andrew Cuomo created the draconian Tier 6, purely for his personal political purposes. What has resulted is the situation we find ourselves in today, with public safety suffering greatly from the staffing shortages in the public sector.

Recruitment

The overwhelming majority of police departments in New York State have experienced significantly reduced interest in sworn member employment and/or applicant numbers of qualified personnel.

Examples:

The Yonkers Police Department’s latest police examination, in 2021, yielded 40% fewer applicants than its previous exam.

The White Plains Police Department conducted its latest police examination in September of last year. There were just more than approximately 1000 applicants, while previous exams yielded more than 5000!

The Rockville Centre Police Department typically sends letters to 35 potential recruits. In the past, they would receive 15 to 20 responses. The results of the latest issuance of 35 letters yielded the following: “received back 4 or 5 applicants of which only one was determined to be good enough for a final interview but the applicant was not that interested so he got rejected.”

The providers of these statements also commented on the lower quality of the recruits, as a result of standards having been lowered to attract more applicants.

Additionally, even the more desirable police jobs are experiencing difficulties with recruitment, having to adjust long-standing standards in order to attract a sufficient number of qualified individuals.

Example:

The Port Authority Police Department supplanted its historic military service or 60 college credit requirement to expand their applicant base. In lieu of those requirements, the PA now allows applicants to substitute three years of employment as a civilian Port Authority employee, a licensed security guard, a sworn law-enforcement officer, a correctional officer, or a TSA agent.

Retention

Simultaneous to and concomitant with the recruitment dilemma, police departments in New York State are experiencing severe difficulty with retention of personnel, with significantly higher rates of early, or earlier, resignations and/or retirements.

Examples:

NYPD – Number of Sworn Personnel, 2007: 35,404
Number of Sworn Personnel, 2022: 34,012 ¹

In the NYPD, those eligible to retire (even without reaching their full service retirement eligibility dates) have been, and are, leaving in droves.

Yonkers PD – Number of sworn personnel 2007: 645
Number of sworn personnel 2022: 620 (see Footnote 1)

Albany (City) PD – Number of Sworn Personnel 2007: 334
Number of Sworn Personnel 2022: 294 (see Footnote 1)

Poughkeepsie (City) PD – Number of Sworn Personnel 2007: 107
Number of Sworn Personnel 2022: 83 (see Footnote 1)

Rochester PD – Number of Sworn Personnel 2007: 734
Number of Sworn Personnel 2022: 663 (see Footnote 1)

Syracuse PD – Number of Sworn Personnel 2007: 489
Number of Sworn Personnel 2022: 373 (see Footnote 1)

Another causal factor impacting retention is the reduction or elimination of overtime resulting from budget cuts, and the exclusion of substantial amounts of (oftentimes mandatory) overtime for pension calculation.

The Pension Funds

The vast majority of our members are members of either the New York City Police Pension Fund (NYCPPF), or the New York State & Local Police & Fire Pension Plan (NYSP&F). A very small percentage of our members are members of the New York State & Local Employees' Retirement System (NYSERS)

¹ Source:
<https://data.ny.gov/Public-Safety/Law-Enforcement-Personnel-by-Agency-Beginning-2007/khn9-hhpq>

Final data ² for calendar year 2022 show the funded ratio percentage levels for these plans at:

- NYCPPF – 80%
- NYSP&F – 96%
- NYSERS – 100.5%

Further, all these plans are paying out 100% of their obligations to retirees, have no unfunded liabilities, and their funded ratios are higher than surrounding states in almost all categories.

Prior to the implementation of Tier 5, members of the NYC Police Pension Plan contributed roughly 3% of salary to their pensions, and members of the NYS & Local Police and Fire Plan were non-contributory. These increased contributions in the newer tiers, among other deleterious effects of public sector benefits erosion, clearly have contributed to the recruitment and retention problems.

Obviously, these pension plans are very well-funded, and would not be greatly impacted by a reduction in employee contributions, eliminating the draconian social security offsets in the NYC plans, and the inclusion of overtime in pension calculation.

Respectfully submitted,
Michael O'Meara,
PCNY President

² Source: <https://publicplansdata.org/quick-facts/by-state/state/?state=NY>