

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

2 -----

3 JOINT LEGISLATIVE HEARING

4 In the Matter of the
5 2024-2025 EXECUTIVE BUDGET ON
6 WORKFORCE DEVELOPMENT

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

10 January 30, 2024
3:30 p.m.

11

12 PRESIDING:

13 Senator Liz Krueger
14 Chair, Senate Finance Committee

15 Assemblyman Harry B. Bronson
16 Chair, Assembly Committee on Labor

16

17 PRESENT:

18 Senator Thomas F. O'Mara
19 Senate Finance Committee (RM)

20 Assemblyman Edward P. Ra
21 Assembly Ways & Means Committee (RM)

22 Senator Jessica Ramos
23 Chair, Senate Committee on Labor

24 Senator Robert Jackson
Chair, Senate Committee on Civil Service
and Pensions

1 2024-2025 Executive Budget
Workforce Development
2 1-30-24

3 PRESENT: (Continued)

4 Assemblywoman Stacey Pheffer Amato
Chair, Assembly Committee on
5 Governmental Employees

6 Senator Steven D. Rhoads

7 Assemblyman Joe DeStefano

8 Senator Shelley Mayer

9 Assemblywoman Jo Anne Simon

10 Assemblyman William Colton

11 Senator Alexis Weik

12 Assemblyman Jonathan G. Jacobson

13 Assemblyman Billy Jones

14 Assemblyman Michael Durso

15 Senator George M. Borrello

16 Assemblywoman Jodi Giglio

17 Assemblyman Robert Smullen

18 Assemblyman Matt Slater

19 Assemblywoman Gina L. Sillitti

20 Senator Iwen Chu

21 Assemblywoman Chantel Jackson

22 Assemblyman George Alvarez

23 Assemblyman Angelo Santabarbara

24 Senator Mario R. Mattera

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 2 1-30-24

3 PRESENT: (Continued)

4 Senator Jack M. Martins

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1 CHAIRWOMAN KRUEGER: Good afternoon,
2 everyone. Hi. I am Liz Krueger, chair of
3 the State Senate Finance Committee, and I am
4 announcing that we are starting Budget
5 Hearing No. 2 for today, the Workforce Budget
6 Hearing. It's the joint legislative hearing
7 of the State Senate Finance Committee and the
8 Assembly Ways and Means Committee.

9 Today, for people who keep track, this
10 is the fifth of 13 hearings conducted jointly
11 by the fiscal committees of the Legislature
12 on the Governor's specific proposed budget
13 for state fiscal year '24-'25. These
14 hearings are conducted pursuant to the
15 New York State Constitution and
16 Legislative Law.

17 Today the Senate Finance Committee and
18 the Assembly Ways and Means Committee will
19 hear testimony concerning the Governor's
20 proposed budget for the State Department of
21 Labor, the State Department of Civil Service,
22 and the New York State Governor's Office of
23 Employee Relations.

24 Following each testimony -- or the

1 panel, complete panel's testimony, there will
2 be time for questions from the chairs of the
3 relevant committees and other members of the
4 relevant committees.

5 I will now introduce from the Senate,
6 and Assemblymember Harry Bronson, chair of
7 the -- brand-new chair of the Assembly Labor
8 Committee, and serving today also in the role
9 of chair of Ways and Means in the absence of
10 Helene Weinstein, he will introduce members
11 of the Assembly after I introduce members of
12 the Senate.

13 I'm also joined by Senator Tom O'Mara,
14 the ranking member of the Senate Finance
15 Committee, and we will be introducing our
16 Senate colleagues. I see Senator Ramos,
17 Senator Robert Jackson.

18 And, Tom, would you like to introduce
19 your members of your party?

20 SENATOR O'MARA: Yes. We have, on our
21 side, our ranker on Civil Service, Senator
22 Alexis Weik, and Senators George Borrello and
23 Mario Mattera.

24 CHAIRWOMAN KRUEGER: Thank you.

1 And now, Senator Harry Bronson --
2 Senator, look at that. Okay.

3 ASSEMBLYMAN BRONSON: I don't want
4 that promotion, by the way.

5 (Laughter.)

6 CHAIRWOMAN KRUEGER: All right. How
7 about brand-new Labor Chair Assemblymember
8 Harry Bronson.

9 ASSEMBLYMAN BRONSON: Now, that is
10 music to my ears.

11 So I'm glad to be with you,
12 Chair Krueger. Happy to be joined by Chair
13 of Government Employees Stacey Pheffer Amato.
14 Also Assemblymember Jo Anne Simon and
15 Assemblymember Billy Jones.

16 CHAIRWOMAN KRUEGER: Great, thank you.

17 And we have three panelists here
18 before us, Commissioner --

19 ASSEMBLYMAN RA: Can I have a moment
20 to introduce my Assemblymembers?

21 CHAIRWOMAN KRUEGER: Oh, I'm sorry,
22 Assemblymember Ra. Excuse me.

23 ASSEMBLYMAN RA: No problem. Thank
24 you.

1 We are joined by Mr. DeStefano, who is
2 the ranker on Government Employees, as well
3 as Assemblymembers Slater, Durso and
4 Jodi Giglio.

5 CHAIRWOMAN KRUEGER: Thank you very
6 much. I didn't mean to leave you out of
7 this. I apologize.

8 And of course I didn't actually
9 mention that Senator Ramos is our chair of
10 Labor, and Senator Jackson is our chair of
11 Civil Service. So glad they're both here
12 with us.

13 SENATOR JACKSON: Don't forget
14 "Pensions" in there.

15 SENATOR RAMOS: And our pensions.

16 CHAIRWOMAN KRUEGER: Oh, I didn't see
17 it on my notes. Thank you. Most important,
18 everyone's pensions. Thank you.

19 SENATOR RAMOS: Everybody likes
20 platinum.

21 (Laughter.)

22 CHAIRWOMAN KRUEGER: Thank you.

23 I'm going to start with
24 Commissioner Reardon, from the Department of

1 Labor; then we're going to go to
2 Commissioner Hogues, Department of
3 Civil Service, and then Michael Volforte,
4 director of the New York State Governor's
5 Office of Employee Relations.

6 Just to remind everyone, you each have
7 10 minutes to present. If your testimony is
8 longer, we all have copies of it, we
9 recommend just bullet-pointing your most
10 important issues. And then the chairs have
11 10 minutes to ask and answer questions; the
12 rankers have five minutes. Everyone else has
13 three minutes.

14 And there are clocks everywhere to
15 keep track of the time.

16 So with that, Commissioner Reardon,
17 good afternoon.

18 DOL COMMISSIONER REARDON: Good
19 afternoon. I'd like -- (loud feedback).

20 CHAIRWOMAN KRUEGER: Something's gone
21 wrong up there, folks.

22 ASSEMBLYMAN BRONSON: Hope it's not a
23 sign.

24 (Laughter.)

1 CHAIRWOMAN KRUEGER: All right, try
2 one more time?

3 DOL COMMISSIONER REARDON: I'll try it
4 one more time. Should I push that --

5 CHAIRWOMAN KRUEGER: Oh, yes, press
6 till it turns green. Press a little harder.

7 DOL COMMISSIONER REARDON: There.

8 (Extended loud feedback.)

9 (Off the record.)

10 DOL COMMISSIONER REARDON: Let's try
11 it again.

12 Good afternoon. I'd like to begin by
13 acknowledging Chairs Krueger and Weinstein.
14 Thank you for inviting me to testify today.
15 Distinguished members of the committees,
16 thank you for giving me the opportunity to
17 provide an update on our efforts at the
18 Department of Labor. I am Roberta Reardon,
19 New York State Commissioner of Labor.

20 Over the last year, I have been able
21 to dedicate more time to meeting one-on-one
22 with many of my partners in government. It's
23 been incredibly rewarding, and I'm really
24 looking forward to continuing these

1 conversations in the future. These
2 one-on-one discussions include meetings with
3 our esteemed Labor chairs, Senator Ramos and
4 Assemblymember Bronson. It's clear you both
5 have such a genuine passion for labor and a
6 tireless pursuit for justice and fairness in
7 New York's workforce, and it's a passion that
8 we share. Congratulations to my friend Harry
9 for his new role. I'm very happy to have my
10 friend and colleague serving as the chair of
11 Labor in the Assembly.

12 As I testify before you today, I am
13 reminded of the profound transformations that
14 have unfolded during my time as commissioner.
15 The world around us has undergone significant
16 changes, and so too has the DOL, constantly
17 adapting to meet these evolving challenges.

18 With that in mind, I'd like to take
19 the opportunity to reintroduce who we are and
20 what we do for the people of the State of
21 New York.

22 The DOL is an agency operating with
23 greater efficiency and unity than ever
24 before. We're not just a collection of

1 divisions with varied responsibilities. We
2 are a unified entity driven by a singular
3 mission, and that is to serve the people of
4 New York. We are interconnected and
5 collaboratively focused on serving workers,
6 including helping young people safely enter
7 the workforce, assisting businesses, and
8 empowering New Yorkers in their pursuit of
9 employment.

10 Whether our customers are looking to
11 receive unemployment assistance, pivot to a
12 new career, enhance their skills, or need
13 help recovering stolen wages, we are here to
14 help.

15 Everyone at the DOL has a role in our
16 success. And by ensuring that our fellow New
17 Yorkers thrive, we are helping to fuel our
18 state's economic might.

19 This is a moment of opportunity, and
20 we continue to explore new, innovative ways
21 to improve the delivery of our wide spectrum
22 of services.

23 For instance, we now have virtual
24 agents helping Unemployment Insurance

1 customers get quick answers. Our virtual
2 phone agent was launched just last July, and
3 in that time it has answered 5.5 million
4 questions.

5 After authenticating, our customers
6 can resolve a lot of account-specific issues
7 through self-service, and it is truly a
8 game-changer. We continue to refine that
9 tool's capabilities.

10 As you know, we are also in the
11 process of overhauling our antiquated
12 1970s UI mainframe with a new,
13 state-of-the-art system that will improve
14 communications, resolve claims faster, and
15 improve fraud detection, because we must
16 continue to protect this valuable social
17 service system.

18 We're making sure that businesses are
19 paying their fair share. Last year we
20 reached an unprecedented settlement with
21 rideshare giant Uber. The company agreed to
22 make quarterly and retroactive payments into
23 the state's Unemployment Insurance Trust
24 Fund. New York is the first state in the

1 nation to secure an agreement of this caliber
2 with Uber.

3 In worker protection, we continue to
4 develop our multifaceted case management
5 system that will ultimately allow New Yorkers
6 to report labor violations, including
7 wage theft, unemployment fraud, and more
8 online.

9 We've also ramped up our efforts to
10 combat child-labor violations. According to
11 our data, from 2021 to 2023, there was a
12 290 percent increase in reported child-labor
13 violations statewide. Many of you have
14 likely seen articles about this issue across
15 the country. Now more than ever, the
16 increase in violations is due to public
17 awareness and subsequent reporting.

18 I thank Governor Hochul for helping us
19 shine a light on this issue and lead an
20 aggressive crackdown with the establishment
21 of the state's Child Labor Task Force.

22 As part of these efforts, we've also
23 visited hundreds of businesses to ensure
24 compliance, launched a Child Labor

1 Information Hub on our website, and
2 established the Protect Youth Workers Pledge,
3 which encourages employers to affirm they
4 have educated their employees about labor
5 rights and signs of labor trafficking.

6 I thank the Legislature for advocating
7 for additional resources for worker
8 protection. This division is such an
9 important arm of our agency, and they are
10 safeguarding our most precious workforce.

11 With an ever-present focus on
12 workplace equity, we released two important
13 reports: One looking closely at the impact
14 the pandemic had on the gender wage gap; the
15 other a first-of-its-kind study examining
16 employment disparities among transgender,
17 gender-nonconforming and nonbinary
18 New Yorkers.

19 As Governor Hochul continues to spur
20 economic growth in every part of our great
21 state, we are doing our part to support
22 businesses small and large. We continue to
23 gauge the needs and concerns of our business
24 community through our annual surveys. We

1 also spearheaded a small business tour, where
2 we visited Utica, Troy, Buffalo, and
3 Rochester to highlight state resources that
4 can help these community cornerstones thrive
5 in today's economy.

6 This is in addition to the many
7 services we offer to businesses, including
8 workforce recruitment, consultations, hiring
9 incentives and so much more.

10 With so much new economic activity
11 happening right now, and more on the horizon,
12 it is still very much a jobseeker market.
13 And with over 200,000 positions in our
14 statewide job bank, now is the perfect time
15 to take advantage of career opportunities.

16 Our career fairs, both in-person and
17 virtual, continue to be popular among both
18 businesses and jobseekers. These events
19 showcase opportunities from across the
20 economic spectrum, with positions in the
21 communities where these jobseekers live.

22 We also continue to hold virtual
23 workshops to help New Yorkers have every
24 advantage possible in the job market. And we

1 capitalized on cutting-edge technology in the
2 expansion of our Virtual Career Center, an
3 online platform that helps New Yorkers
4 accelerate their career search.

5 We're using many of these tools as
6 part of our ongoing effort to help
7 asylum seekers gain work authorization and
8 find jobs. These individuals certainly face
9 some unique challenges, but we're up to the
10 task. After all, the Governor asked us to do
11 what we do for all New Yorkers, and assisting
12 asylum seekers affirms our mission to support
13 a diverse and inclusive workforce statewide.

14 I'd like to extend my deepest
15 gratitude to Governor Hochul for entrusting
16 us with additional resources and tools as
17 part of her proposed budget. Her faith in
18 our department empowers us to maximize the
19 impact of every dollar, ensuring that we
20 continue to effectively serve the workers and
21 businesses of New York.

22 For instance, the proposal to Expand
23 Recovery Tools for Stolen Wages would be a
24 big win for our Worker Protection Division.

1 This is a very dedicated team of people who
2 have seen their responsibilities expand
3 significantly over the years. Most recently,
4 the expansion of the Workplace Violence
5 Prevention Law to include elementary and
6 secondary public education facilities added
7 4,400 more employers under the purview of
8 this unit.

9 Tools are vital in equipping these
10 dedicated individuals to meet the evolving
11 challenges in worker protection.

12 I'd also like to thank the Governor
13 for supporting several other initiatives that
14 align with our core mission. In the coming
15 months, we will be working to expand our
16 Registered Apprenticeship Program to
17 incorporate younger students and our state
18 agencies. We'll also be enhancing our
19 Teacher Ambassador Program, establishing the
20 Office of Workforce Data and Research, and
21 developing a Youth Worker Bill of Rights.

22 This administration made these
23 proposals in response to concerns raised by
24 you, and we look forward to your continued

1 partnership in our efforts.

2 This is a moment of transformation,
3 where our commitment to adapt and lead change
4 is paramount. Our focus is clear: to serve
5 the people of New York with unwavering
6 dedication and excellence. With the support
7 of this budget, we are set to enhance our
8 strategies and operations, ensuring that
9 every decision and action aligns with our
10 mission to support workers, businesses, and
11 communities.

12 I see the Governor's budget proposal
13 as more than a fiscal plan. It is an
14 invitation to collaborate on a blueprint for
15 a brighter, more equitable future for
16 everyone statewide. We aim to transform
17 these challenges into opportunities for
18 growth and progress, while building a legacy
19 of innovation, equity, and resilience --
20 setting new benchmarks in public service --
21 the betterment of all New Yorkers.

22 Thank you.

23 CHAIRWOMAN KRUEGER: Thank you very
24 much.

1 Let's go next to Commissioner

2 Timothy Hogues. Good afternoon.

3 DCS COMMISSIONER HOGUES: Good
4 afternoon, Chairs and distinguished members
5 of your respective committees. My name is
6 Timothy Hogues, and I am pleased to serve as
7 the commissioner for the Department of
8 Civil Service.

9 I appreciate the opportunity to appear
10 before you to comment on Governor Hochul's
11 Executive Budget for fiscal Year 2025, as
12 well as to highlight the exciting
13 modernization initiatives the Department of
14 Civil Service is undertaking.

15 We continue to grapple with hiring
16 challenges that differ from generations past.
17 Over the past decade, the state workforce has
18 decreased by approximately 10 percent,
19 leaving vacancies in thousands of positions
20 responsible for providing critical services
21 to New York State residents.

22 To rebuild New York's public
23 workforce, we are completely retooling the
24 way we conduct our business here at

1 Civil Service to modernize and remove
2 barriers to employment for all jobseekers.

3 Top of mind for all the efforts we are
4 undertaking is ensuring that diversity,
5 inclusion, and equal opportunity are at the
6 forefront of all statewide initiatives. We
7 want to build a workforce that is reflective
8 of the many faces, voices, backgrounds, and
9 ideas of those we serve.

10 And I believe the programs we are
11 implementing will carry out Governor Hochul's
12 vision and have a lasting impact on the
13 makeup of the public service workforce for
14 future generations.

15 When I presented my budget testimony
16 last year, the department was in the
17 beginning stages of implementing the Hiring
18 for Emergency Limited Placement program, or
19 HELP, at both the state and local levels to
20 address the workforce shortage in critical
21 health and safety titles.

22 These programs are addressing
23 emergency staffing situations by allowing
24 state and local agencies to more swiftly hire

1 candidates that meet the minimum
2 qualifications for these positions.

3 I am pleased to report that the HELP
4 program has been crucial in growing both the
5 state and local workforce over the past nine
6 months. To date, more than 7,000 individuals
7 have been hired into health and safety
8 positions through this program, helping to
9 reduce the staffing shortages in these
10 crucial roles.

11 With that said, New York State
12 agencies and localities continue to report
13 chronic hiring difficulties in the
14 post-COVID-19 labor market. At the state
15 level, agencies are having a persistent
16 recruitment challenge, and a shortage of
17 candidates exists across all occupations.

18 To assist with this issue, the
19 department, at Governor Hochul's direction,
20 is implementing an expanded program called
21 the New York Hiring for Emergency Limited
22 Placement Statewide program, or NY HELPS.
23 Through NY HELPS, which was recently approved
24 by the Civil Service Commission, all state

1 agencies will temporarily be authorized to
2 make appointments to nearly any position
3 typically filled on an open-competitive
4 basis.

5 The expanded NY HELPS program will
6 enable New York State agencies to fill
7 critical vacancies more effectively and
8 efficiently during this temporary period.

9 I want you to know that the department
10 is very cognizant that local governments are
11 struggling as well, and in fact we have heard
12 from many legislators and local government
13 officials expressing their support for
14 implementing NY HELPS in their districts.

15 This is why we intend to submit a
16 request to the Civil Service Commission at
17 the February meeting to approve a local
18 version of the NY HELPS program.

19 While we are working to fully
20 implement NY HELPS for a May 2024 launch, the
21 department is also undertaking a review of
22 college-degree requirements for civil service
23 titles and will consider equivalent
24 experience where appropriate, thereby

1 removing additional educational barriers for
2 entry to civil service jobs.

3 Public- and private-sector employers
4 are resetting degree requirements as part of
5 a growing recognition of the value of work
6 and life experience. We are hopeful that
7 reassessing degree requirements will help us
8 in our efforts to reach jobseekers in
9 communities where going to college isn't
10 always possible, but who have real-life work
11 experience to contribute to the workforce.

12 While this work is underway, the
13 department will continue to carry out and
14 implement the transformative initiatives
15 proposed by Governor Hochul and adopted with
16 your support as part of last year's budget.
17 We are building #TeamCivilService, and we
18 will be establishing computer-based testing
19 centers all across the state, where in-person
20 exams will be held throughout the week to
21 meet jobseekers where they are.

22 This paradigm shift will boost
23 opportunities for all New Yorkers to
24 participate in exams, including individuals

1 who do not have a computer or internet
2 access, making the Empire State more
3 competitive with the private sector in our
4 recruitment efforts.

5 Further, we will promote the
6 availability of thousands of public service
7 careers through the Centers for Careers in
8 Government located at DOL Career Centers.

9 We will also launch a public awareness
10 campaign to promote, in both English and
11 Spanish, the values of public service, and
12 the benefits and varied opportunities
13 available as a New York State employee.

14 Through this work, we will be embedded
15 throughout communities across the state,
16 which will enable us to further our work with
17 community-based organizations to create
18 awareness about the plethora of opportunities
19 and benefits available in public-service
20 careers.

21 As part of Governor Hochul's ongoing
22 commitment in building a strong public
23 workforce, the department looks forward to
24 working with our partners across state

1 government to develop and offer new training
2 focused on anti-racism in 2024.

3 As we seek to recruit more diverse
4 talent to the public sector, one of the key
5 benefits we continue to highlight is the
6 expansive health plans we offer to New York
7 State employees. As the administrator of
8 NYSHIP, which covers 1.2 million members, we
9 are proud to ensure access to high-quality
10 providers and services.

11 We have recently reached a five-year
12 agreement with Carelon for Empire Plan
13 Behavioral Health benefits. We believe this
14 new agreement will allow us to expand our
15 provider network and provide access to
16 critical behavioral health benefits.

17 In addition, I am pleased to report
18 the department is expanding dental dependent
19 coverage up to age 26, allowing dependents
20 between the ages of 19 to 26 to remain
21 covered without providing proof of student
22 status.

23 We will also work to promote the
24 nation-leading paid parental leave program

1 Governor Hochul has implemented for a
2 majority of the state workforce, which
3 provides 12 weeks of fully paid leave for
4 parents to spend caring for their newborn
5 children, as well as implement the expansion
6 of the Paid Family Leave program to allow
7 individuals 40 hours of paid leave for
8 prenatal care.

9 Last but certainly not least, I would
10 like to take a moment to extend my sincere
11 appreciation to the staff that make up
12 #TeamCivilService. Thank you for your hard
13 work and dedication.

14 Together, this robust package I have
15 highlighted will help us eliminate barriers
16 to entry for civil service jobs, meet
17 jobseekers where they are, and create a
18 pipeline of the next generation of diverse
19 talent into the state workforce.

20 Thank you.

21 CHAIRWOMAN KRUEGER: Thank you.

22 And our last testifier, Michael
23 Volforte, director of the New York State
24 Governor's Office of Employee Relations.

1 GORE DIRECTOR VOLFORTE: Good
2 afternoon, Chair Krueger, Chair Weinstein,
3 Chair Bronson, other respected chairs and
4 honorable members of the Assembly and Senate.

5 My name is Michael Volforte, and I am
6 the director of the New York State Office of
7 Employee Relations. Thank you for the
8 opportunity to speak to you about
9 Governor Hochul's Executive Budget proposal
10 for fiscal year 2025 as it relates to our
11 agency and the state workforce.

12 The proposed budget continues
13 Governor Hochul's commitment to streamlining
14 hiring of state employees to ensure critical
15 positions are filled. As Commissioner Hogues
16 mentioned, last year Governor Hochul
17 introduced the HELP program to streamline
18 hiring of employees into healthcare and
19 public-safety titles. This year the Governor
20 is building on that success by expanding that
21 program.

22 As part of efforts to make working for
23 the State more attractive, our office worked
24 with the unions and the Department of

1 Civil Service to reduce the health insurance
2 waiting period for new insurance to kick in,
3 to 28 days.

4 This year's budget provides additional
5 tools to ensure state government has the
6 workforce it needs to deliver services to the
7 public. The Governor has proposed that our
8 office negotiate the elimination of the
9 longstanding lag and salary deferral programs
10 for new hires, which have hindered New York's
11 ability to compete in an ever-tightening job
12 market.

13 Additionally, as part of this year's
14 coming Executive Budget, our office will lead
15 a public awareness campaign to educate future
16 and current state employees about the federal
17 government's Public Service Loan Forgiveness
18 Program. Our effort will build on
19 legislation, enacted by the Legislature and
20 signed by the Governor in 2022, to make the
21 program more accessible by setting a standard
22 hourly threshold for full-time employment for
23 these purposes and clarifying key legal terms
24 associated with the program.

1 Our campaign will bolster the
2 recruitment and retention of state employees
3 by making sure they have knowledge of this
4 valuable program and that agencies do their
5 part by advertising the program and assisting
6 employees in getting these valuable benefits.

7 The Governor has also directed the
8 Department of Civil Service to identify and
9 implement opportunities for experience-based
10 hiring to supplement more traditional
11 credential-based methods for hiring
12 candidates.

13 Consistent with the Governor's State of
14 the State message and our requested budget,
15 our office will take the lead on providing
16 additional diversity, equity and inclusion
17 training for the state workforce, to foster a
18 work environment of inclusivity and continue
19 to move New York forward as an employer of
20 first choice.

21 Over the past year, we successfully
22 negotiated three new collective bargaining
23 agreements. All of these agreements
24 contained compensation increases in each year

1 of the agreement and introduced cost-saving
2 measures that preserve health benefits while
3 helping to control the growth of costs borne
4 by employees and the state.

5 Negotiations continue with all of our
6 other unions with expired agreements. Our
7 approach in negotiations will remain
8 consistent with the Governor's message of
9 being fair to employees and ensuring that
10 state agencies are positioned to deliver
11 outstanding services to New Yorkers.

12 OER fields numerous inquiries every
13 day from executive branch agencies. We
14 routinely dispense advice on proper
15 administration of our compensation and
16 benefits packages as well as advice on
17 maximizing employee performance and
18 operational flexibility under the terms of
19 our negotiated agreements. We also continue
20 to work to ensure that all complaints of
21 illegal discrimination and harassment are
22 properly investigated and addressed.

23 Executive branch agencies continue to
24 administer their own telecommuting programs.

1 Most still allow telecommuting up to several
2 days per pay period but require in-office
3 presence the remainder of the pay period.
4 Our guidance to agencies has been consistent:
5 telecommuting programs must strike a balance
6 between providing a convenience to employees,
7 on one hand, and maintaining accountability
8 and robust services for New Yorkers on the
9 other hand.

10 As you all know, our office offers a
11 number of pre-tax benefit programs for state
12 employees that save employees pre-tax dollars
13 for various eligible healthcare, dependent
14 care, and transportation expenses. Last year
15 there were over 22,000 enrollments in the
16 various programs. We continue to make our
17 pre-tax program even more attractive by
18 allowing individuals to roll over unused
19 funds for 2024 for the Health Care Spending
20 Account and providing a grace period for our
21 Dependent Care Advantage Account and Adoption
22 Expenses flexible spending accounts, where
23 employees can use their 2023 balance during
24 the first two-and-half-months of 2024 to

1 incur new expenses and utilize previously
2 deducted unused funds.

3 We've also been able to fund increased
4 employer contributions for the Dependent Care
5 Advantage Account for the second year in a
6 row.

7 We also assist employees through our
8 labor-management committees. These
9 committees distributed over 10,000
10 job-and-career-related tuition reimbursement
11 benefits in the last year and offer a WellNYS
12 Everyday program. Our Employee Assistance
13 Program had well over 20,000 contacts from
14 employees last year seeking help.

15 Lastly, through our labor-management
16 committees, we continue to foster and develop
17 the state's training and professional
18 development programs. And in 2023, we
19 offered training programs ranging from
20 leadership skills to more technical topics
21 such as writing skills, project management,
22 investigative techniques, numerous
23 information technology programs, and several
24 direct-care topics such as gender-affirming

1 mental health care and behavioral therapy.

2 With respect to training, in 2023 OER
3 also prepared and deployed a cadre of over
4 300 trainers to deliver on the Governor's
5 commitment to in-person sexual harassment and
6 workplace discrimination prevention training.

7 Consistent with the Governor's
8 leadership on making New York a
9 family-friendly employer, all the agreements
10 we have reached so far have included Paid
11 Parental Leave. This leave provides 12 weeks
12 of leave at full pay for bonding with a child
13 after the birth, adoption, or foster-care
14 placement. This benefit provides much needed
15 time for new parents to bond with new family
16 members without having to make undue
17 financial sacrifices.

18 In sum, under Governor Hochul's
19 leadership, our office is actively engaged in
20 support of programs that will ensure a
21 robust, well-prepared executive branch
22 workforce that all New Yorkers can rely upon.

23 Thank you.

24 CHAIRWOMAN KRUEGER: Thank you.

1 The first questioner will be chair of
2 Labor for the Senate, Senator Ramos.

3 SENATOR RAMOS: Good afternoon. All
4 right. Well, let's dig right in.

5 Commissioner Reardon, do you feel that
6 the DOL is acting in their full enforcement
7 capacity with the current level of staffing?

8 DOL COMMISSIONER REARDON: So our
9 issue with staffing is we cannot find enough
10 people to come in and fill the lines that we
11 have. We have -- the agency has almost 500
12 open lines, and quite a few of them are in
13 Worker Protection. And as my colleagues have
14 said, it is a very difficult market now to
15 bring people into state service, but we are
16 trying very hard to do that.

17 We're not really -- you know, frankly,
18 we were not hiring for a long time. One of
19 the first things that Governor Hochul did was
20 get rid of the hiring freeze, which was like
21 manna from heaven, frankly, and we all began
22 scurrying around posting our jobs. That's
23 when we discovered that the market had really
24 changed and it was really hard to get people

1 to come into state service.

2 And it's not just anybody. In Worker
3 Protection we need people with language
4 ability, we need people with cultural
5 competency. These are difficult jobs, going
6 out in the public facing an adversarial
7 employer, often, and so -- and they need a
8 lot of training. I want to thank
9 Civil Service for the opportunity to do
10 registered apprenticeships in the state
11 agencies, because we're going to look at
12 inspectors and, you know, our Worker
13 Protection lines for those apprenticeships,
14 because they need to be trained.

15 But the fact is, we are down, so we
16 are struggling to meet our responsibilities.
17 We are using a tremendous amount of
18 technology. They need new tools. And for
19 all of us, if we're doing everything -- if
20 we're doing things the way we did 10 years
21 ago, we're doing it wrong. Because the world
22 has changed.

23 And we have turned our agency upside
24 down looking at how do you do it now, what do

1 to combat wage theft allows you to issue a
2 lien. Sounds a lot like my SWEAT bill.

3 With your current staffing level,
4 would the DOL have the capacity to handle the
5 number of wage-theft violations?

6 DOL COMMISSIONER REARDON: We will
7 never have enough people to handle all of the
8 wage-theft violations that probably happen in
9 the State of New York.

10 The lien is going to be really, really
11 important -- not on the front end, it's going
12 to be important getting the money back to the
13 worker.

14 We get a lot of investigations done
15 through the investigative period, but when it
16 comes to collecting that money, it is very
17 hard because we've had a lot of carrots and
18 very few sticks. The Governor has given us a
19 very good stick.

20 SENATOR RAMOS: That's a perfect segue
21 to my follow-up, which is what additional
22 enforcement tools would you find useful?

23 DOL COMMISSIONER REARDON: The ability
24 to levy would be transformational.

1 We use that in the UI space because
2 the amount of delinquent money in UI is very
3 low. Because we have the levy ability, and
4 they pay what they owe.

5 But in worker protection, we don't
6 have that capacity.

7 Now, also I should say in worker
8 protection there are other issues: They go
9 bankrupt. They change the name of their
10 company. They disappear into the shadows.
11 So there are a lot of issues. If people are
12 working in the cash economy, very, very
13 difficult. We don't have good records. The
14 workers themselves are afraid to come
15 forward. So there are a lot of
16 complications.

17 The levy will help us tremendously.
18 It is not a magic wand, but it will help us
19 return money at a much better clip than we do
20 now.

21 SENATOR RAMOS: We certainly want
22 that.

23 I'm glad you mentioned worker
24 protections. What responsibility do you

1 believe an employer has in creating a safe
2 work environment? Whose job is it to hold
3 them to those responsibilities?

4 DOL COMMISSIONER REARDON: So we have
5 a lot of that responsibility, and we enforce
6 that regularly. We do a lot of work with our
7 business community proactively. Our business
8 reps on the workforce development side go out
9 to individual places of work and work with
10 those employers, explaining all kinds of
11 things -- what are your needs in hiring --
12 but they also bring a whole list of the
13 requirements that they need to follow to keep
14 their workplace safe. Our workforce
15 protection people also do that.

16 You know, the overwhelming majority of
17 employers in this state are trying to do the
18 right thing. The unfortunate thing is if you
19 have a couple of bad apples in that barrel,
20 they ruin it for everybody, because they're
21 undercutting the fellow businesses and
22 they're making life difficult for those
23 workers.

24 SENATOR RAMOS: Yeah. You know, I

1 don't pass labor laws just for the fun of it.

2 DOL COMMISSIONER REARDON: No. And I
3 enforce them. Thank you.

4 SENATOR RAMOS: And laws are only as
5 good as they are enforced.

6 DOL COMMISSIONER REARDON: Yes.

7 SENATOR RAMOS: So I hope we can work
8 together on that in this budget cycle.

9 DOL COMMISSIONER REARDON: Absolutely.

10 SENATOR RAMOS: Now, despite a rise in
11 long COVID and high rates of worker injury in
12 New York's largest employment sectors,
13 workers are not taking the necessary time to
14 recover because the TDI benefits are too low.
15 They can't live off of \$170 a week -- which
16 has been true since 1989 -- let alone focus
17 on their recovery. And this year the
18 Governor proposes a gradual increase to
19 67 percent of their paycheck cap by 2029,
20 which is not soon enough.

21 How is an injured worker in New York,
22 in 2025, next year, supposed to recover and
23 pay their bills off of a \$280-a-week check?

24 DOL COMMISSIONER REARDON: So I'm very

1 happy that it's going to go up. But of
2 course, you know I don't comment on proposed
3 legislation, I just enforce it when it's
4 passed and signed. Happy to do it.

5 SENATOR RAMOS: Okay. Well, last year
6 we worked on raising the minimum wage. And
7 the deal made under the former Governor
8 entrenched a lower minimum wage upstate than
9 downstate. Do you feel the same work done
10 upstate has lesser value than the same work
11 done downstate?

12 DOL COMMISSIONER REARDON: I don't
13 think it's about lesser value. I do believe
14 when that was done, with the support,
15 obviously, of the Legislature, that it was a
16 recognition that there are different
17 economies in different parts of the state.

18 It is the current law. And even with
19 increases there will always be, until you
20 change it, a bifurcated minimum wage
21 standard.

22 SENATOR RAMOS: Okay. I have time for
23 more, so I want to move on to frequency of
24 pay, which is also a proposal we saw in the

1 Governor's Executive Budget.

2 With the Governor's proposal regarding
3 the frequency of pay and liquidated damages,
4 she's looking to bring clarity to the
5 conflicting stances of the First and
6 Second Departments on the Vega decision. Why
7 is the Governor choosing the interpretation
8 that hurts manual laborers?

9 You know, in New York State people who
10 work with their hands have to be paid every
11 week. But now the Governor wants that to
12 change to every two weeks.

13 DOL COMMISSIONER REARDON: The change
14 that she's asking for is to remove the
15 incentive for these class-action lawyers to
16 chase these cases. And the incentive is that
17 currently they are paid a hundred percent of
18 what they would have -- they make double what
19 they would have made, and it's a huge
20 windfall for the lawyer that gets this case.

21 The change is that that incentive is
22 removed, and so there's far less reason for
23 anyone to pursue these cases because there's
24 not that kind of money at the end of that

1 trial. You know, the issue of being paid
2 once a week or once every other week is
3 not -- it's actually not the issue that
4 people are suing about. They're doing it
5 because there's a huge windfall of money.

6 SENATOR RAMOS: All right, I'm going
7 to squeeze one more in on the Just Transition
8 Fund.

9 The Executive Budget contains
10 25 million for the Just Climate Job Training
11 Fund mandated by statute. In speaking with
12 the pipefitters, electricians, and utility
13 workers, they're not clear on how to access
14 these funds. It's been a year. Can you
15 share more about the plans to get these funds
16 disbursed to proper training programs?

17 DOL COMMISSIONER REARDON: So that
18 goes through our Office of Just Energy
19 Transition. We are working right now with
20 NYPA to get that money moved into that
21 office. It funds the office to do the work
22 that it's supposed to do, and that money will
23 be used to help transition fossil workers
24 from fossil fuel work to green energy as well

1 as the --

2 SENATOR RAMOS: Sorry, Commissioner.

3 When are they getting the money?

4 DOL COMMISSIONER REARDON: The money
5 is coming right now and they can begin to
6 talk to us -- we are already in
7 conversations. I'm not actually sure -- I
8 think there are probably different methods
9 for people to apply to get that money. It's
10 not just an open bankbook.

11 SENATOR RAMOS: Has there been any
12 outreach to those particular trades about
13 what the process will be?

14 DOL COMMISSIONER REARDON: We work
15 with them a lot. We're very connected to all
16 of those -- the construction trades, and we
17 certainly have been in conversations, as has
18 NYPA as well.

19 SENATOR RAMOS: All right. I'll leave
20 it there and come back for seconds.

21 Thanks, Chair.

22 CHAIRWOMAN KRUEGER: Thank you very
23 much.

24 Next is the Assembly Labor chair,

1 Harry Bronson.

2 ASSEMBLYMAN BRONSON: Thank you very
3 much.

4 Commissioner, thank you for being here
5 and thank you for being a good partner and
6 protecting workers.

7 I want to start with Unemployment
8 Insurance. And as you know, we have
9 tremendous debt in the Unemployment
10 Insurance. That impacts the State
11 Unemployment Trust; it impacts the interest
12 assessment that employers have to pay. And
13 we're also paying to FUTA at a higher rate
14 because of this, and that's going to keep
15 going up.

16 What plans do we have to try to help
17 those small businesses in particular who are,
18 you know, really impacted on this? And they
19 supply many of the jobs that we want to
20 protect.

21 DOL COMMISSIONER REARDON: Right. So
22 as you said, the FUTA is mandated by the
23 federal government. That's a federal payment
24 plan that we have no impact -- we have no say

1 on.

2 The IASs came from the laws that you
3 passed in 2014 to reform UI -- thank you very
4 much for that, but it does require that the
5 interest is paid down. And then there's the
6 regular experience rating that everybody has.

7 When a company's struggling, please
8 reach out to us, either through the business
9 advocate at UI or through our Career Centers,
10 to the business services people. We send
11 people out.

12 If somebody needs a payment plan, UI
13 can work with them, within reason. We
14 understand that, you know, this can be a
15 difficult problem, particularly, as you say,
16 for a small company.

17 But these issues are really for the
18 most part out of our hands. They are
19 required by law. And the good news is in the
20 last two years we paid a billion dollars each
21 year into -- to repay the trust fund. And if
22 we're able to keep up at that rate, which
23 everything looks great right now, we should
24 be -- the fund should be restored by 2028.

1 ASSEMBLYMAN BRONSON: 2028. Isn't
2 there a federal waiver that you can address
3 the FUTA amount and have it -- so have you --

4 DOL COMMISSIONER REARDON: FUTA? I
5 don't know. There are other waivers, but I
6 don't know if there's -- let's find out for
7 you, because I'm not aware of that. But
8 there may be.

9 ASSEMBLYMAN BRONSON: And of course
10 that's all in the context that we have to
11 increase the maximum weekly payment under UI.
12 But we're not able to do that until we deal
13 with the insolvency, right?

14 DOL COMMISSIONER REARDON: Right.
15 It's a bit of a catch-22.

16 ASSEMBLYMAN BRONSON: So I was
17 intrigued by your testimony when I read it
18 earlier today in connection with the
19 settlement with Uber. And with Uber, you
20 indicated that they have agreed to make
21 quarterly payments to UI and also do a
22 lookback and retroactive payments to UI.

23 I don't understand, how do you
24 calculate what it is if they're not willing

1 to admit that their drivers are employees?

2 DOL COMMISSIONER REARDON: It is a
3 very complicated settlement. I am extremely
4 proud of the work that the men and the women
5 of the UI Division did to arrive at this
6 complicated arrangement. It was an
7 eye-popping amount of money, which I'm not
8 allowed to disclose publicly because it's a
9 tax issue.

10 But they went back to 2014 and
11 calculated the amount. In the agreement we
12 agreed to disagree about whether or not
13 they're employees. But for purposes of UI,
14 they are paying into the fund and a driver
15 will be eligible to collect going forward.

16 ASSEMBLYMAN BRONSON: Okay. And what
17 happened to Lyft in that? Because you had
18 another agreement with Uber and Lyft on other
19 benefits for their drivers.

20 DOL COMMISSIONER REARDON: This is
21 only for Uber. So in UI it's really
22 employer-specific, these kinds of cases. And
23 obviously a case like this has a ripple
24 effect in the industry. I'm not at liberty

1 to talk about what we might be doing with any
2 other rideshare employer.

3 ASSEMBLYMAN BRONSON: Okay. Turning
4 to the Office of Just Transition, a couple of
5 follow-up questions. You know, this is all
6 about assisting in workforce training to move
7 folks from the fossil industry --

8 DOL COMMISSIONER REARDON: Mm-hmm.

9 ASSEMBLYMAN BRONSON: -- into the
10 green energy, right? And it's primarily for
11 current workers. Is there also a component
12 of that to try to get folks who are from
13 disadvantaged communities or marginalized
14 communities and have been on the economic
15 sideline for far too long?

16 DOL COMMISSIONER REARDON: The CLCPA
17 has very strong language about that. No less
18 than 35 percent of the benefits of the CLCPA
19 needs to accrue to these communities,
20 including jobs. It's more than just jobs,
21 but jobs specifically.

22 So they are very much a part of the
23 focus of the Office of Just Energy
24 Transition. One of the interesting things

1 about OJET is it is a forward-looking
2 endeavor. So we know what the jobs in green
3 energy are right now, but we don't
4 necessarily know what the jobs or the skill
5 sets will be needed in, say, five to eight
6 years. So there's a real runway.

7 For people who are being impacted
8 immediately, they are the people who are
9 going to be given the immediate resources,
10 the training, the retraining, whatever.

11 But we're also reaching into those
12 communities to make sure that young people
13 know these are careers for them. And it's
14 not just in the building and construction
15 trades. There's all kinds of work in this
16 space that we need to expose young people to.

17 We have a Green Dashboard up on the
18 website now that's talking about -- not so
19 much the jobs, the skill sets. It's
20 really -- I'm not going to tell you prepare
21 for this job, I'm going to tell you you need
22 these skills, because that's the important
23 part of it.

24 But it's very much forward-thinking.

1 It's actually -- you know, think about
2 battery storage. We know what battery
3 storage is right now. But what battery
4 storage will be in five years will probably
5 be totally different. But the skill set
6 involved in that world will probably be not
7 that different. So helping people understand
8 there is a future here for you. And that is
9 under the CLCPA that we are required to do
10 that.

11 ASSEMBLYMAN BRONSON: Well, and
12 speaking of battery storage, great news from
13 the federal government. SUNY Binghamton,
14 Cornell, RIT will be part of a battery
15 innovation hub. So in looking at how we
16 better do that so that we can meet our
17 climate goals.

18 But still with the transition, I think
19 it's \$22.5 million is budgeted this year.
20 Last year we budgeted a million to get it
21 started up --

22 DOL COMMISSIONER REARDON: To get it
23 off the ground, yeah.

24 ASSEMBLYMAN BRONSON: This year, 22.5,

1 plus I think there's an administrative line
2 there.

3 Any idea of -- you know, what are we
4 going to be spending that \$22.5 million on?

5 DOL COMMISSIONER REARDON: It's a lot
6 of training programs. So as Chair Ramos
7 said, the union workers in those former
8 fossil areas will need to have additional
9 training to retrain their workers. NYPA has
10 been very engaged with the IBEW, because they
11 work in their plants and they're really
12 engaged in those conversations already.

13 It's really looking at, you know, what
14 are the specific skill sets that we need to
15 train people in, and how do we do that. And
16 some of it will be, as I said, helping these
17 apprenticeship programs up-skill and change
18 what they're doing. But also there are lots
19 of other training programs out there, plus
20 training programs that probably need to be
21 started. So there's a lot of that kind of
22 infrastructure that will need to be built,
23 people need to be trained, all that kind of
24 thing. And it's -- it's exciting, it's a

1 little daunting because it's -- because it's
2 not crystal-clear what it's all going to be
3 yet.

4 But again, we know at least for now
5 what the skill sets are, and focusing on
6 those areas.

7 ASSEMBLYMAN BRONSON: Well, and it's a
8 great opportunity --

9 DOL COMMISSIONER REARDON: It's a
10 terrific opportunity.

11 ASSEMBLYMAN BRONSON: -- to be able to
12 create opportunities for folks.

13 Turning to artificial intelligence.
14 So the Governor's proposing \$270 million to
15 incentivize the development of AI. I sure
16 hope that when we're looking at that, we make
17 sure that if there's construction involved,
18 we have project labor agreements. If, you
19 know, there's a supply chain, we make sure
20 that we have Buy American provisions in
21 there. That we have labor peace agreements
22 for the implementation and the maintenance of
23 any facilities that are developed.

24 But we also have to look at and be

1 cognizant of the impact on our workforce and
2 are they replacing jobs, and we have to be
3 very cognizant about that. We also have to
4 be cognizant of employers who are using AI
5 now for employment decisions, whether it's
6 hiring, whether it's promoting, whether it's
7 moving shifts, things of that nature.

8 Has your agency been in conversations
9 to try to tackle some of those things as
10 we're in the beginning stages of AI?

11 DOL COMMISSIONER REARDON: We are
12 indeed beginning to have those conversations.
13 AI is a really interesting area. I mean, we
14 all use it. If you drove your car here, you
15 probably used Google Maps or something like
16 that to get there, that's AI. Unless you
17 unfolded a great big paper map, which I don't
18 think anybody does anymore.

19 So, you know, it is a very useful
20 tool. We want to make sure that the machines
21 help the people. And that has always been
22 the rub in every transformation. You know,
23 the Luddites broke the weaver machines
24 because they made lace by hand. We don't

1 want that to happen here.

2 But you have to make sure that you're
3 doing it the right way. AI is an extremely
4 helpful utility. And I don't think in the
5 short run it's going to be replacing too many
6 people. In the long run, it will change the
7 way we work, undoubtedly. But we want that
8 to be a benefit and not a deficit.

9 ASSEMBLYMAN BRONSON: So my request of
10 you and the Department of Labor is that we're
11 in front of this --

12 DOL COMMISSIONER REARDON: Yes.

13 ASSEMBLYMAN BRONSON: -- and try to
14 ask those tough questions as we're spending
15 hundreds of millions of dollars to launch
16 this in the Governor's proposal.

17 DOL COMMISSIONER REARDON: Yes. And
18 I'm very thankful the Governor has done this,
19 because we need all the help we can get.

20 ASSEMBLYMAN BRONSON: All right, thank
21 you. I'll come back.

22 CHAIRWOMAN KRUEGER: Thank you. {Mic
23 off; inaudible.}

24 SENATOR JACKSON: Thank you. Good

1 afternoon, everyone.

2 So I just wanted to follow up on --
3 with the commissioner for the Department of
4 Labor. I look at the time frame with the
5 minimum wage -- it's raised in New York
6 State, but it left out restaurant workers
7 that depend on tips. And so the minimum wage
8 is not being inclusive of everybody, and the
9 majority of the restaurant workers are Black
10 and brown women. And so can you tell me why
11 they were not included in that particular
12 raise when that could have happened just by
13 the Governor signing a bill to do that?

14 DOL COMMISSIONER REARDON: So the
15 subminimum wage issue, we held hearings in --
16 I think it was 2018 across the state. We
17 held extensive hearings. And it was very
18 enlightening.

19 As a result of those hearings, the
20 miscellaneous tipped wages were raised, but
21 the hospitality tipped wages were not. And
22 that was because in hearing after hearing
23 after hearing, we heard from the workers --
24 not from the employers, we heard from the

1 workers that they did not want us to change
2 that.

3 Now, that is a very significant thing
4 to hear. If that has changed, we should hear
5 that. But that was what we definitely heard
6 then. And if you want to pass a law making
7 that happen, I will happily enforce it.

8 SENATOR JACKSON: One thing is
9 enforcing it. And I'm asking opinions of you
10 as the commissioner.

11 As you know, these restaurant workers
12 are not being paid \$16 per hour to work, and
13 they have families, they have children, they
14 have issues and concerns that impact them.
15 And they need at least a minimum wage plus
16 tips. We're asking --

17 DOL COMMISSIONER REARDON: So the law
18 is --

19 SENATOR JACKSON: We're asking you and
20 the Governor to be cognizant of the needs
21 that these workers have, understanding that
22 most of them don't have health insurance and
23 things like that, so it's imperative that we
24 give them the help that they need.

1 And not only you, but I'm really
2 talking to you, I'm talking to the other two
3 people, one from the OER and one from the
4 Civil Service Commission, because all of the
5 workers in New York State, it basically falls
6 to us to help them, both from an
7 administrative point of view, an executive --
8 the Governor -- and then also from a
9 legislative point of view.

10 So we ask you to really consider that,
11 understanding that, yes, there may have been
12 hearings then, but California, Chicago and
13 other cities, have moved towards a
14 one-fair-wage, and it's working and working
15 fine. Fine. And you know if it works there
16 fine, this is the Empire State. We're
17 supposed to be one that stands up and fights
18 for workers. It's a unionized state.

19 So I ask you to please reconsider what
20 you're doing in order to help these workers,
21 mainly women, mainly people of color, earn a
22 minimum wage plus tips. That's what I ask of
23 all three of you.

24 DOL COMMISSIONER REARDON: Thank you.

1 SENATOR JACKSON: And then,
2 Commissioner Hagues, I'm asking you -- I have
3 heard many people say, including myself,
4 about Tier 6. And as you know, the
5 introduction even here this afternoon was
6 Civil Service, and we yelled out "What about
7 pensions?"

8 But I've heard loud and clear the term
9 "Tier 6 sucks." That's what I've heard. And
10 what does that mean to you as the
11 commissioner, knowing that -- what people
12 feel about Tier 6? And you may want to clean
13 it up a little bit, though.

14 (Laughter.)

15 DCS COMMISSIONER HOGUES: So as you
16 and I -- and thank you for that question. As
17 you and I have worked together to promote the
18 opportunities across New York State
19 government, I've heard that loud and clear
20 from you. Unfortunately, that doesn't fall
21 under my purview.

22 What does fall under my purview is
23 looking at total compensation packages for
24 individuals. And as your honorable body --

1 and with the Governor's help, last year we
2 were given the ability to put out a
3 compensation study that should be coming
4 out -- the RFP should hit the streets next
5 month, to really look at how do we compare to
6 the private sector. And not just in pay, but
7 in pay and benefits and Tier 6 and all of
8 that.

9 And so we are excited about that. It
10 will probably be a year-long study to look at
11 that, as well as look across all the titles
12 and look at how we value titles. And so
13 hopefully that will take us from a piecemeal
14 type of approach to how do we compensate our
15 employees. So like I said, we look forward
16 to being able to do that.

17 Tier 6 is not under my purview.

18 SENATOR JACKSON: Well, hopefully I
19 will say "Tier 6 is fine." But that's not
20 what I'm saying now.

21 DCS COMMISSIONER HOGUES: Yes, sir.

22 SENATOR JACKSON: And I've heard that
23 from union people all over the State of
24 New York. And so it's my job to fight for

1 them. And it should be also the Executive
2 and agencies' job to fight for the workers so
3 that they can make sure, after they serve
4 whatever time -- 20, 25, 30 years -- they
5 could have a pension and Social Security that
6 they can live off.

7 DCS COMMISSIONER HOGUES: And so
8 hopefully this study will inform us all.

9 SENATOR JACKSON: I want to ask about
10 the federal government's requirement of
11 high-income retirees to pay the greatest
12 share of Medicare and health insurance
13 expenses. It says that IRMAA applied to
14 Medicare beneficiaries who had a modified
15 adjusted gross income above \$103,000, and an
16 individual with returns, \$206,000 for a joint
17 return. And the amount range that they would
18 to have pay more is -- the minimum is \$170 to
19 \$419 a month. And I took out a calculator;
20 that's like, for the lowest-paid of \$103,000,
21 \$840 more. And for \$419 a month, that's
22 \$5,028. That's a lot of money.

23 So what's the justification for that?

24 DCS COMMISSIONER HOGUES: So we are

1 following the federal policy guidelines that
2 recommend this, and this puts us in line.
3 And it says that individuals that are making
4 more should pay more for their premiums. So
5 we're just following in line with the
6 federal.

7 And I appreciate the concern, but the
8 cost is beginning to grow.

9 SENATOR JACKSON: And Michael
10 Volforte, let me ask you a question about the
11 union PEF. I have a question about the laws
12 that were passed last year with a
13 pay-structure study and opening of new
14 service centers. Is that in your
15 jurisdiction as far as implementing contract
16 agreements and things that's supposed to be
17 done?

18 GORE DIRECTOR VOLFORTE: That would be
19 Commissioner Hogues.

20 (Laughter; overtalk.)

21 SENATOR JACKSON: Pass the buck to the
22 commissioner.

23 (Laughter.)

24 DCS COMMISSIONER HOGUES: Thank you,

1 Michael.

2 And so when you mentioned -- so as I
3 talked about the pay study, that's what I
4 mentioned should be out on the streets for
5 the RFP early next month.

6 And what was the second part you
7 mentioned? I wasn't clear on it.

8 SENATOR JACKSON: About, you know,
9 opening new service centers in the law from
10 last year with the pay-structure study.

11 DCS COMMISSIONER HOGUES: So the
12 other -- and I believe the other piece you're
13 talking to is our continuous recruitment
14 efforts, to open up testing centers across
15 New York State. Is that what you're talking
16 to?

17 SENATOR JACKSON: Yes.

18 DCS COMMISSIONER HOGUES: Yeah. And
19 so we are definitely underway in that. We're
20 scheduled to open up five in the fall of this
21 year for individuals to come and sit and take
22 a test.

23 And so COVID decimated us and our
24 ability to offer in-person testing. We

1 usually use schools and that sort. So it was
2 tough for us to get back in. And so through
3 the budget and your help, we were able to get
4 the money available to open up 12 testing
5 centers. And we're doing that on a staggered
6 approach. And we're on target for that.

7 SENATOR JACKSON: Thank you.

8 Commissioner Reardon, I heard you talk
9 about your recruitment fairs or job fairs.
10 And I had one at Bronx Community College with
11 the commissioner and other agencies.

12 I just think that we need to come
13 together and put a big sign out there all
14 over the place so we can get the people to
15 come and get jobs. All of these vacancies
16 that exist, we should be echoing that we have
17 jobs -- come, see if you qualify; if you
18 qualify, some of you may be hired right away.
19 And if not, then look at other jobs that are
20 available, especially with the group that the
21 commission -- Civil Service Commission
22 approved about two weeks ago for those people
23 that are migrants or come in looking for
24 jobs. As long as they're willing to work,

1 with whatever qualifications they have, let's
2 put them to work.

3 DOL COMMISSIONER REARDON: I agree.
4 We do a lot of career fairs and I'm very
5 happy to say that my fellow agencies often
6 have booths. Civil Service sits in our
7 career fairs with us. Commissioner Hogue
8 and I have a very close working relationship,
9 and it's very beneficial.

10 It used to be that career fairs were
11 strictly private industry. Not anymore.

12 SENATOR JACKSON: Well, I just want to
13 beat the drums and get people to these career
14 fairs and job fairs so that we can fill the
15 jobs and fill the agencies' directives that
16 just posted as far as enforcement and
17 unemployment and other things like that.

18 DOL COMMISSIONER REARDON: I'm with
19 ya.

20 SENATOR JACKSON: Thank you.

21 ASSEMBLYMAN BRONSON: Thank you.

22 And we have been joined by
23 Assemblymembers Colton, Jacobson, Sillitti,
24 and Jackson.

1 And next up will be ranker of Ways and
2 Means, Assemblymember Ra.

3 ASSEMBLYMAN RA: Thank you.

4 Good afternoon, Commissioner,
5 Commissioner and Director. Thank you for
6 being with us.

7 Commissioner Hogues, I was wondering
8 if I could ask a little bit about -- there
9 was a report about this memo related to
10 transitional titles that to my understanding
11 are going to be created for migrants and
12 asylum seekers with the intent of hiring
13 these migrants throughout the state agencies
14 to fill an estimated 4,000 jobs. They're
15 laboring, non-competitive classes -- mainly I
16 believe in food service, equipment repairs,
17 facility management.

18 So can you just tell me a little
19 bit -- who will be eligible for these
20 transitional titles?

21 DCS COMMISSIONER HOGUES: Thank you.

22 So we work closely, once again, with
23 DOL, at the direction of the Governor, to
24 provide and look across state agencies to see

1 what titles may be available for individuals
2 to participate.

3 And so the one correction I do want to
4 make, that these positions, these jobs that
5 will be available are for all New Yorkers,
6 for anyone that meets these qualifications.

7 And so the reason why we needed to do
8 transitional, temporary titles is to give
9 individuals the opportunity to gain the
10 experience or get their paperwork in order to
11 be able to transition into full-time, regular
12 positions.

13 And so we are excited about this. And
14 this is no different from our traineeships
15 and our apprenticeships that we have that
16 allow individuals to up-skill or get the time
17 on the job to be able to meet the
18 qualifications. And so like I said, this is
19 just a bigger part of our holistic approach
20 to opening up government and making these
21 jobs available and reducing the barriers. It
22 goes along with the HELP program, it goes
23 along with us looking at career degree
24 requirements. It goes along with us looking

1 at multiple-choice exams and shifting to
2 training and experience-type examinations.
3 And so we're really looking at reducing the
4 barriers to entry for all New Yorkers.

5 ASSEMBLYMAN RA: Okay. And -- yeah, I
6 mean, I appreciate that clarification.
7 Because I think, reading the memo, it
8 obviously talked a lot about migrants and
9 asylum seekers.

10 So any New Yorker who might have, you
11 know, documentation about credits they've had
12 in schooling or other things would be
13 eligible for these transitional titles.

14 DCS COMMISSIONER HOGUES: Exactly.

15 And like I said, it's no different
16 from our traineeships and apprenticeship-type
17 programs to give individuals that may not
18 have the qualifications right now opportunity
19 to learn and earn and be a part of our
20 workforce.

21 ASSEMBLYMAN RA: And obviously this I
22 think relates to a conversation that's been
23 ongoing, I know, in Commissioner Reardon's
24 department as well.

1 So any of these individuals, whether
2 they're, you know, outside of the category of
3 what we'd call a migrant or asylum seeker --
4 or a migrant or asylum seeker -- would be
5 somebody who has legal work authorization --

6 DCS COMMISSIONER HOGUES: Yes,
7 correct.

8 ASSEMBLYMAN RA: -- before they're
9 being hired.

10 Any idea on how long somebody would be
11 able to stay in a transitional title?

12 DCS COMMISSIONER HOGUES: So, once
13 again, these are temporary titles. The job
14 is created for a 12-month period, in order
15 for individuals or agencies to extend that
16 period.

17 So it's not for the individual in the
18 job. So if the job is created in January, it
19 will end in December. And so the agency will
20 have to come back to Class & Compensation to
21 say, Hey, we need to extend this. So even if
22 you hired an individual in March, they don't
23 get to stay till next March. So it's more
24 about the job that is approved.

1 ASSEMBLYMAN RA: I assume perhaps
2 maybe they're now qualified for something
3 that required six months of, you know --

4 DCS COMMISSIONER HOGUES: Right,
5 exactly. And so we take a regular look at
6 that.

7 ASSEMBLYMAN RA: Okay. And, you know,
8 that 4,000 number is eye-opening. Can you
9 just tell us what other initiatives or what's
10 been ongoing to try to do outreach and
11 recruit to connect New Yorkers with those job
12 opportunities, to try to fill some of those
13 jobs?

14 DCS COMMISSIONER HOGUES: Yeah, thank
15 you so much for that question.

16 Like I said, we've been working very
17 closely with our partners at DOL. They have
18 a lot more money than we do, and so --

19 (Laughter.)

20 DCS COMMISSIONER HOGUES: So we do --
21 they've helped out with virtual career fairs,
22 career fairs marketing, doing videos to
23 educate the public about what's going on in
24 New York State.

1 And most recently, as Senator Jackson
2 was referring to, our HELP program, our
3 New York State HELP program is where we are
4 really reducing the barriers to entry for
5 individuals. Because of the post-pandemic
6 job market, it has changed, and so agencies
7 have told us, We are having difficulties
8 hiring. And the current civil service
9 structure right now does not lend to
10 addressing those emergency needs.

11 ASSEMBLYMAN RA: Thank you,
12 Commissioner.

13 ASSEMBLYMAN BRONSON: Thank you.
14 We'll now turn to the Senate ranker,
15 Senator Mike -- Weik, I'm sorry.

16 SENATOR WEIK: Thank you.
17 I just want to say welcome today.
18 Thank you so much for your testimony.

19 My questions are mostly for
20 Commissioner Hogues. Commissioner, it's nice
21 to see you again.

22 DCS COMMISSIONER HOGUES: Good to see
23 you.

24 SENATOR WEIK: I know the last time we

1 saw you was in October when we had our Civil
2 Service Reform Hearing --

3 DCS COMMISSIONER HOGUES: Oh, yeah.

4 SENATOR WEIK: -- and I had asked
5 you -- we talked about the difficulties
6 municipal airports are having, including one
7 in my district, the Long Island MacArthur
8 Airport.

9 And the problem they're having is with
10 hiring and promoting under the Civil Service
11 Law. I was encouraged by your awareness of
12 the issue and openness to discuss it with the
13 Aviation Management Association.

14 I'm just wondering, can you provide
15 any updates? Can we expect any action at the
16 department level, or do you think this is
17 going to need a legislative response?

18 DCS COMMISSIONER HOGUES: So -- and
19 thank you for that question and the
20 follow-up.

21 So we have been in conversation with
22 not only them; we've had conversation with
23 Syracuse Airport. They reached out to us
24 originally to start the conversation on the

1 issues that they were having.

2 And so we are waiting on specific
3 feedback on issues that are happening across
4 the association. And so our team is working
5 directly with them. And once we get that
6 feedback we will provide suggestions to
7 alleviate some of the issues that they're
8 having. Some is the timing of tests that may
9 have not been made available; some is other
10 stuff.

11 And so we are excited to have this
12 dialogue, and we welcome it. So whenever
13 there are issues like this we want to get in
14 front of it and have those conversations to
15 see what we are able to do.

16 And so hopefully in the next week or
17 so we will hear back from them about the
18 specific issues, and we will be able to
19 address them and look at ways for --

20 SENATOR WEIK: That's great, thank
21 you, because that's an important issue for me
22 and I'm very interested in seeing it
23 resolved. So I'll be following up with you,
24 if you don't mind.

1 To get to the memo that Assemblyman Ra
2 had been speaking about, I had questions as
3 well. So we're looking at some of the
4 barriers with allowing agencies or employing
5 individuals like the illegal migrants. Some
6 of the barriers include verifying their
7 educational attainment -- and this was in
8 that memo -- limited English proficiency,
9 verifying their perspective employment
10 outside the United States, of course checking
11 to see if they had a criminal record.

12 What actions are you going to be
13 taking to be able to verify all of that?

14 DCS COMMISSIONER HOGUES: And so the
15 reduction in the qualifications answer
16 allowed that. And agencies have their own
17 checks and balances in place as well when
18 they're going through and vetting individuals
19 to be able to make sure that they are fit for
20 the titles or job responsibilities that
21 they're doing.

22 As we mentioned, the areas of most of
23 these are in the labor market, and so us and
24 the agencies will continue to monitor that

1 closely. It also talks about a lot of the
2 individuals or some of the individuals would
3 be working with others under direct
4 supervision constantly. And so we will
5 continue to monitor that, along with DOL and
6 agencies to make sure we are doing our due
7 diligence.

8 SENATOR WEIK: And so I am concerned
9 about lowering our standards like that. And
10 of course you mentioned earlier that lowering
11 those standards is across -- it's including
12 existing New Yorkers who are looking to
13 obtain those jobs as well.

14 What are some of those titles, those
15 hard-to-recruit titles?

16 DCS COMMISSIONER HOGUES: You would
17 ask that. And I had it in front of me, and I
18 apologize, I don't have it right now.

19 But once again, it's no different from
20 our traineeships and apprenticeships where
21 individuals are seeking to --

22 SENATOR WEIK: Well, we're just
23 concerned because if they're titles like law
24 enforcement or that --

1 DCS COMMISSIONER HOGUES: No. No.
2 No.

3 SENATOR WEIK: -- or that kind of
4 thing, we want to make sure we're not
5 lowering our standards --

6 (Overtalk.)

7 DCS COMMISSIONER HOGUES: No, no, no,
8 no. It's not those titles.

9 Like I said, most of them are in the
10 labor market.

11 SENATOR WEIK: Why do you think some
12 of these titles are so hard to recruit? Why
13 are we having so many difficulties?

14 DCS COMMISSIONER HOGUES: So it is
15 clerical administrative support, engineering
16 support, equipment service and repair,
17 facilities operators, food service and human
18 services. And so a lot of those jobs, quite
19 frankly people just aren't interested in
20 filling. They're not really that desirable.
21 They -- I mean, it's a tough time.

22 SENATOR WEIK: In my previous title,
23 the -- I mean, clerical support, that
24 probably had the most candidates who took

1 those tests, but the income level is so low
2 and the steps increases are so low. Do you
3 think that might be the problem with why
4 they're so tough to fill?

5 DCS COMMISSIONER HOGUES: So it could
6 be. And once again, I'm happy that we got
7 approved to do our compensation -- our full
8 compensation study to help inform us on that.

9 SENATOR WEIK: I don't have enough
10 time to ask more questions, I'm sorry.

11 (Laughter.)

12 DCS COMMISSIONER HOGUES: We can
13 follow up, obviously. I'm always available.

14 SENATOR WEIK: Thank you.

15 DCS COMMISSIONER HOGUES: Thank you.
16 Assembly.

17 ASSEMBLYMAN BRONSON: Yes, next we'll
18 go with Chair Stacey Pheffer Amato.

19 ASSEMBLYWOMAN PHEFFER AMATO: Okay,
20 good afternoon.

21 Commissioner Hogues, you outlined in
22 your testimony that our state workforce has
23 decreased by nearly 10 percent. What was the
24 cause of that, or what do you feel the cause

1 of that is?

2 DCS COMMISSIONER HOGUES: So obviously
3 we had a hiring freeze for quite some time.
4 And then, more recently, everyone calls it
5 the Great Resignation after -- or during the
6 COVID-19 pandemic.

7 And so with Governor Hochul removing
8 the hiring freeze, it has given us that
9 opportunity to staff up our agencies that
10 critically need them. And so we are excited
11 that we saw a movement from 2023 to 2024 of
12 adding roughly 4800. Right? So we have
13 individuals that attrit, but individuals that
14 we hire. So overall, we have increased our
15 workforce.

16 And so when I came here before, I was
17 telling you that we had over 12,500
18 individuals -- opportunities in New York
19 State government. Now we're in the 10,000
20 range of positions that are available.

21 ASSEMBLYWOMAN PHEFFER AMATO: So
22 that's the current how many vacant jobs there
23 are throughout New York State?

24 DCS COMMISSIONER HOGUES: Roughly.

1 Yup, roughly.

2 ASSEMBLYWOMAN PHEFFER AMATO: Twelve
3 thousand?

4 DCS COMMISSIONER HOGUES: No. It was
5 12,500 when I testified last year, and now
6 we're in that --

7 ASSEMBLYWOMAN PHEFFER AMATO: How many
8 vacant jobs are there now in New York State?

9 DCS COMMISSIONER HOGUES: We're in
10 that 10,000 range.

11 ASSEMBLYWOMAN PHEFFER AMATO: Ten
12 thousand.

13 DCS COMMISSIONER HOGUES: We're making
14 a dent.

15 ASSEMBLYWOMAN PHEFFER AMATO: Does
16 that include New York City?

17 DCS COMMISSIONER HOGUES: No, so this
18 is New York State. New York State government
19 workforce.

20 ASSEMBLYWOMAN PHEFFER AMATO: New York
21 City has their own. Okay, great.

22 Okay. So in the Executive Budget it
23 recommends 20,229 new hires for fiscal
24 '24-'25. That's what the Executive put in.

1 Which positions has the state found to be the
2 most difficult to recruit and retain
3 employees?

4 DCS COMMISSIONER HOGUES: I mean, it's
5 an interesting question. We know a lot of
6 times in DOCCS, in law enforcement, there has
7 been recruitment difficulties. I mean, that
8 has been seen nationwide.

9 But once again, because of the
10 pandemic has shifted and individuals having
11 opportunities with the private sector to have
12 100 percent remote work, work from home, we
13 are dealing with those types of issues.

14 And so we're also looking at how do we
15 educate individuals about the opportunities
16 that are available in the public workforce.
17 And so last year we were awarded the
18 opportunity to do a marketing campaign, which
19 would be kicking off in second quarter of
20 this year, to really educate people about the
21 opportunities that are available, how to get
22 into civil service to demystify the notion
23 that you have to know somebody who knows
24 somebody who knows somebody to get in, and

1 then also talk about the great opportunities
2 that are available.

3 ASSEMBLYWOMAN PHEFFER AMATO: And then
4 to retain the employees, what do you think --
5 you know, there are a lot of folks that don't
6 want to stay long. You know, they're not
7 staying -- what's the average? You said the
8 average --

9 DCS COMMISSIONER HOGUES: About
10 12 years.

11 So average age of entry into state
12 government is around 36 years of age. The
13 average age of our current employee or
14 workforce is a little bit under 46, about
15 45.9 years of age.

16 ASSEMBLYWOMAN PHEFFER AMATO: So a
17 little old, you're saying, huh.

18 (Laughter.)

19 DCS COMMISSIONER HOGUES: I'm not
20 saying -- you did not hear me say that on
21 this test.

22 DOL COMMISSIONER REARDON: Smart man.

23 DCS COMMISSIONER HOGUES: No, of
24 course.

1 And -- so yeah. So we are retaining
2 folks, but it looks like we are -- we have
3 traditionally attracted individuals that have
4 had a career experience somewhere else and
5 come to state government.

6 ASSEMBLYWOMAN PHEFFER AMATO: I'm
7 excited to hear about the marketing campaign.
8 I do think it's also a secret that everyone
9 doesn't know of our benefits and what those
10 packages look like. And I was going to say
11 that to the director, you know, that
12 piggybacks off that, about letting people
13 know our benefits.

14 Like in my office, of my team, I had
15 to tell everyone about deferred compensation.
16 You know, there's not this great memo that
17 comes out and you get a package, like any new
18 job, and you're all excited and everyone goes
19 home. And I said, Did everyone sign up for
20 deferred comp? And they all looked and
21 blinked, you know. Now everyone on
22 Team Stacey is in deferred comp.

23 But how do we get that out there?
24 Because those are other benefits and

1 abilities that we have.

2 GORE DIRECTOR VOLFORTE: I agree. I
3 think we don't do a good enough job
4 advertising how good a package of benefits we
5 have, in addition to just conventional things
6 like health insurance and salary.

7 So I think as part of what we do, like
8 we're going to do this year with the
9 Public Service Loan Program, we probably need
10 to take a look at how we advertise for
11 ourselves, not only to prospective people but
12 to current employees, and just remind them of
13 benefits that they need to sign up for,
14 pre-tax benefits and the like, as well.

15 ASSEMBLYWOMAN PHEFFER AMATO: Right.
16 And probably -- to support my colleague
17 Senator Jackson, if we just can get rid of
18 Tier 6, it probably would be an opportunity
19 for --

20 (Laughter.)

21 ASSEMBLYWOMAN PHEFFER AMATO: You
22 know, I think that's hanging over everyone.
23 So it is something that we have to address.

24 DCS COMMISSIONER HOGUES: But I also

1 think -- I also look at how we on-board
2 individuals. We have to be more insightful
3 on how we do that, and how we educate
4 individuals about the whole process of coming
5 into state government. So I think we can
6 continue to work together to look at how we
7 do that and standardize it across the state.

8 ASSEMBLYWOMAN PHEFFER AMATO: I'm
9 excited. I think that with the opening of a
10 lot of opportunities and hiring more people
11 in all our agencies, that you've really just
12 moved us forward. So I want to thank you for
13 that.

14 Just changing topics. Director, you
15 mentioned about the new paternity leave
16 policies to bond with newborns and things
17 like -- you know, things like that, listen to
18 me. With your children, I get that. But
19 have you heard the discussion or the
20 conversation about unfortunately people that
21 have late-term miscarriages and that we're
22 looking for leave for those folks because if
23 you don't have a live birth, you're expected
24 to be -- you know, if that happens on Friday,

1 you're supposed to be back at work on Monday.

2 So has there been any conversation,
3 have you heard of that? I know we're talking
4 about it in the Assembly. But have you heard
5 about that? And what can we do about that?

6 GORE DIRECTOR VOLFORTE: So -- aware
7 of the issue. The negotiated benefits we're
8 looking at are for live birth, adoption and
9 foster care, admittedly.

10 For many employees, they would be able
11 to access their normal leave benefits to deal
12 with that -- personal leave, sick leave,
13 vacation leave, for that. But the paid
14 parental leave is at least modeled in part on
15 the parental portions of the federal FMLA
16 benefit.

17 But I'm aware of the issue that
18 occurs.

19 ASSEMBLYWOMAN PHEFFER AMATO: Yeah, I
20 was reached out to by my constituents, so I'd
21 really urge a look at that. Because, you
22 know, again, it's what affects women in the
23 workforce. And, you know, everyone hopes for
24 a live birth, but that doesn't always happen.

1 And I think as a state we have to have
2 compassion in that space.

3 To change the topic, to move back on
4 here, Commissioner, again, the HELP program
5 is very impressive. And you've given us over
6 6,000 new employees, you said. Can you tell
7 us what titles and where the jobs are? And
8 can you just, you know, tell everyone where
9 we were hurting for those current employees
10 where this opened up and gave the
11 opportunities to many?

12 DCS COMMISSIONER HOGUES: And so I
13 misspoke, and I apologize. I actually --
14 when we look at state and local, we've hired
15 over 7,000 individuals. So 6,000 on the
16 state level, and over a thousand on the local
17 level.

18 ASSEMBLYWOMAN PHEFFER AMATO: Great.

19 DCS COMMISSIONER HOGUES: And this was
20 initiated by actually the commissioner from
21 OTDA. He came to me and said, Hey, we are
22 struggling to fill our direct-care titles and
23 we need help, basically. And so our teams
24 got together and started discussing what we

1 can do. And with our backlog from COVID, we
2 just couldn't handle it through our normal
3 civil service process.

4 And so we were able to come up with
5 this program to, no pun intended, to help our
6 direct-care agencies -- so DOH, OMH, OPWDD,
7 OTDA -- to really up-staff their workforce.

8 And so other agencies heard about it
9 and said, Hey, what about us, right? And so
10 we had to finish this initial phase of it.
11 And like I said in my testimony, they
12 continue to face hiring issues and challenges
13 as well. And it's important that we're able
14 to support and staff up. And we talked about
15 what happens when we properly staff agencies;
16 you'll be amazed at the work they can do and
17 what comes of it.

18 And so when I first got here, that was
19 one of the first things Governor Hochul said
20 to me: We have all these vacancies, what are
21 you going to do about it? And so I said,
22 okay, welcome, first day, thank you. And we
23 went to work on figuring out how do we do
24 this. And so we had to -- we had to change

1 up some things and create some programs and
2 things that -- that operate different from
3 how we typically operate.

4 But at the same time, I want to
5 emphasize that we are dedicated to merit and
6 fitness. And as we look at this HELP
7 program, behind the scenes we are working
8 diligently to improve the efficiency and
9 effectiveness and nimbleness of our civil
10 service system. Because right now we're not
11 competitive. And so if we want to be
12 competitive in the future, it's going to be a
13 technology-type approach that will get us to
14 that point.

15 And so that is what my team is really
16 focused on. And the additional individuals
17 in our agency are helping us to address all
18 these things, and so HELP is just one of
19 them.

20 ASSEMBLYWOMAN PHEFFER AMATO: That was
21 actually one of my questions.

22 But going along with the Senator, just
23 take the lines of how HELP is so helpful. I
24 love that we named it that. In the airports,

1 where I've heard that myself in my office,
2 the feedback that they're just struggling to
3 get employees there. Is this something we
4 can like focus on, micro-focus, to really
5 figure out how to get more people into those
6 sort of hard-to-fill positions and make
7 ourselves competitive?

8 DCS COMMISSIONER HOGUES: Yeah. And
9 so once again, the HELP program, the version
10 for the localities is going before the
11 commission next month. And as we work with
12 the different municipalities and localities
13 and civil service agencies across the state,
14 we'll be able to talk about which titles are
15 appropriate.

16 And so the other thing I want to
17 mention is on the local level, municipalities
18 have the choice of opting in or not. And so
19 I want to make that distinction between the
20 state and local.

21 ASSEMBLYWOMAN PHEFFER AMATO: Great.
22 Thank you very much.

23 CHAIRWOMAN KRUEGER: Thank you.

24 The next questioner will be

1 Senator Jack Martins, ranker, for five
2 minutes.

3 SENATOR MARTINS: Good afternoon.

4 I guess the first question --
5 Commissioner Reardon, good to see you again.
6 The issue I think we spoke about last year at
7 the hearings, we're back again. I hear from
8 our building trades across the state the
9 difficulties they have with enforcing
10 prevailing wage laws, certified payroll
11 requirements and, you know, the obstacles
12 they have.

13 And part of the difficulty has to do
14 with the Department of Labor not, frankly,
15 having either the wherewithal to do it or
16 hasn't shown an interest in enforcing it. So
17 they've gone to local district attorneys and
18 asked the local district attorneys for help.
19 And, you know, I'm asking -- and I asked
20 again last year -- what can we do, and is
21 there a requirement, and would you suggest
22 that we try and allocate funds in the budget
23 for you so that you can have personnel on
24 staff, either centrally or regionally, that

1 can assist with enforcement?

2 It's incredibly important that we have
3 the ability to enforce our prevailing wage
4 laws in this state. Certainly if people are
5 underpaying their employees, that is a crime
6 that we should take seriously. And our
7 building trades are crying for help.

8 What do we do? And should we be
9 allocating more monies to your department in
10 order to pay for that?

11 DOL COMMISSIONER REARDON: So thank
12 you for the question.

13 As I said earlier, it's not a question
14 of money, it's a question of talent. We
15 are -- our conversation is how do we get more
16 skilled investigators and inspectors into the
17 department. We're working very hard at that.

18 But I will say, after our conversation
19 last year, I reached out to the building
20 trades and I asked them what is -- you know,
21 asked them directly, what is your problem
22 with this? And we think that from their
23 responses that the issue is overstated.

24 We have a very strong public works arm

1 of the DOL, and they go out all the time --
2 and it's one of the groups that does do
3 proactive visits to worksites, and they talk
4 to the workers. And they pull the records,
5 and I sign those orders when they have broken
6 the law, frankly. I take wage theft very
7 seriously, whether it's public money or
8 private money. And they take their jobs very
9 seriously.

10 You know, our problem is finding more
11 skilled people to become inspectors and
12 investigators, and we're working on that.
13 You've heard the conversation with my friend
14 Tim Hogues here. It's not easy. And these
15 are people who have to have extensive
16 training.

17 But they are out every day, and I do
18 sign those orders, and we do return money.
19 They returned -- I don't have the figure
20 right in front of me. It's an incredible
21 amount. And I'll send it to your office.

22 SENATOR MARTINS: Thank you.

23 DOL COMMISSIONER REARDON: But I have
24 had that conversation with the building

1 trades across the state. And they said
2 they're always concerned, they're always
3 concerned about non-union construction
4 employers cheating their workers. But they
5 don't have a lack of faith in my public works
6 people.

7 SENATOR MARTINS: Well, I appreciate
8 that perspective. I think we've heard a
9 challenge to the building trades. And I'm
10 happy to join them in meeting with you.

11 DOL COMMISSIONER REARDON: Sure.

12 SENATOR MARTINS: But, you know, one
13 thing I have heard is that they're willing to
14 serve as your investigators as well. They
15 and their locals have people on the ground
16 actually on many of these job sites, and
17 they're able to provide you with that
18 information.

19 DOL COMMISSIONER REARDON: And they do
20 provide it.

21 SENATOR MARTINS: And they want to
22 cooperate with you on that, and they've had
23 difficulty.

24 So there is a disconnect here,

1 Commissioner. And, you know, let's just say
2 that if they are willing to do that and we
3 are having the same conversations with the
4 same people, we're getting different answers.
5 And we will follow up on that, because wage
6 theft in this state should be certainly a
7 priority for all of us.

8 DOL COMMISSIONER REARDON: We depend
9 on our friends in the labor world to give us
10 tips every day, and we follow up on them. So
11 I'd be surprised if we weren't.

12 But I'm happy to have the
13 conversation.

14 SENATOR MARTINS: Wonderful.

15 Again, I'm happy to do it. We will
16 have those conversations.

17 DOL COMMISSIONER REARDON: Sure.

18 SENATOR MARTINS: But different
19 experiences and certainly different
20 conversations between us.

21 Unemployment Insurance Fund, a
22 \$7.2 billion deficit. You know, there is --
23 is there any money in this budget to help pay
24 down that? Is there any intention of

1 recommending paying down from reserves and
2 taking part of the burden off of our small
3 businesses community?

4 DOL COMMISSIONER REARDON: That's not
5 in my purview. Right now the only way I can
6 replenish the trust fund is with FUTA and the
7 IAS and the money that the employers pay in
8 every year.

9 SENATOR MARTINS: Right. And there's
10 \$250 in interest that's due annually. Do we
11 have a proposal or would you support using
12 state funds to pay for that \$250 -- million
13 dollars, so we're not placing that burden on
14 our local businesses?

15 DOL COMMISSIONER REARDON: Well, the
16 IAS came from the UI reform bill that you all
17 supported in 2014, and that's when the IAS
18 went into effect.

19 If you promote a bill and pass it and
20 the Governor signs it, I will happily enforce
21 it.

22 SENATOR MARTINS: Thank you,
23 Commissioner.

24 CHAIRWOMAN KRUEGER: Thank you.

1 Assembly.

2 ASSEMBLYMAN BRONSON: Thank you.

3 Next up will be Assemblymember

4 DeStefano-o. DeStefano.

5 ASSEMBLYMAN DeSTEFANO: Thank you,

6 Chair Bronson.

7 Well, we've been all over the place,

8 and it kind of leaves me left in the

9 wilderness here as to which topic do I want

10 to tackle.

11 But the first thing I'd like to ask --

12 I believe it would be of the commissioner of

13 Labor -- what qualifies someone for seeking

14 employment? Like I remember when I was

15 younger and I went to go get a job, I had to

16 produce all kinds of documentation to get a

17 Social Security card, whatever I needed to

18 do.

19 What do the migrant seekers and all --

20 what do they have to do to get these jobs?

21 DOL COMMISSIONER REARDON: So they

22 have to -- anybody who's legally authorized

23 to work in the State of New York has to have

24 either been born here, or if they're not born

1 here, they have to have working papers.

2 And the people that we are working
3 with, the asylum seekers, one of the things
4 we're doing is encouraging them to fill out
5 the federal paperwork for asylum and then
6 fill out the paperwork for -- they're called
7 EADs, is the Emergency Work Authorization.
8 And once they have that, they get a number
9 and then we can connect them with employers.
10 That's federal law.

11 ASSEMBLYMAN DeSTEFANO: Okay. So
12 if -- is there a priority given to an
13 asylum seeker or migrant looking for a job
14 over a New York citizen or anything like
15 that? Is there --

16 DOL COMMISSIONER REARDON: No.

17 ASSEMBLYMAN DeSTEFANO: So it's based
18 on merit? It's based on, you know, when they
19 came and applied?

20 DOL COMMISSIONER REARDON: Mm-hmm.

21 ASSEMBLYMAN DeSTEFANO: I'm just
22 not -- I'm not getting it, because I think
23 that there's plenty of people in our state
24 that are looking for employment.

1 And the other fear that comes from me
2 being -- on my union background, is like are
3 we going to hire people at a lower rate of
4 pay to get rid of the higher-pay
5 work-getters? You know what I'm saying?

6 DOL COMMISSIONER REARDON: That would
7 certainly not be something I'm doing.

8 ASSEMBLYMAN DeSTEFANO: No, I
9 understand that. But I -- you know, being
10 I've been in the industry for a long time,
11 I've seen where that's actually taking place,
12 where we want to get rid of the higher-paid
13 people and bring in lower-paid people,
14 because obviously in an economy saving money
15 and those types of issues come into play when
16 we're hiring people that would make less
17 money coming into an entry-level position.

18 Getting into the legal authority, what
19 legal authority or statutes empower the state
20 to create transitional titles with adjusted
21 requirements for migrants and asylum seekers
22 in the proposed entry level?

23 DOL COMMISSIONER REARDON: That would
24 be my friend Mr. Hogues.

1 DCS COMMISSIONER HOGUES: Yeah. Yeah.
2 No worries about that. So this is -- once
3 again, this is a common practice through our
4 Classification & Compensation Unit, that is
5 able to create these.

6 And so it's basically, once again --
7 and I sound like a broken record -- it's
8 similar to our traineeships that we've had
9 around forever, where we have lesser
10 qualifications for individuals to get in the
11 door that will lead to a pathway to a more
12 permanent-type position and career pathway.

13 So it's no different.

14 ASSEMBLYMAN DeSTEFANO: Okay.

15 DCS COMMISSIONER HOGUES: And to your
16 other point of -- and so we've heard that
17 conversation about using these positions to
18 undercut higher-paying positions.

19 Once again, this is a pathway for all
20 New Yorkers, so not just the migrants -- for
21 individuals looking to enter into state
22 government, they can utilize this pathway.
23 We get them the skills they need, they get
24 whatever paperwork or training or on the job

1 training they need, and then this leads them
2 once again to be able to move up through to
3 the regular status.

4 ASSEMBLYMAN DeSTEFANO: Okay. How
5 does the state intend to navigate any
6 potential legal challenges or opposition that
7 may arise concerning the proposed changes to
8 job requirements and creation of transitional
9 titles?

10 DCS COMMISSIONER HOGUES: So we've
11 never heard any legal challenges to
12 traineeships or apprenticeships, and so I
13 doubt we would hear it here.

14 ASSEMBLYMAN DeSTEFANO: What legal
15 safeguards or mechanisms are being put in
16 place to ensure that the temporary employment
17 opportunities are offered in compliance with
18 immigration laws and regulations governing
19 the legal work status of migrants or
20 asylum seekers?

21 DCS COMMISSIONER HOGUES: So once
22 again, as my partner said, that they have to
23 have their paperwork in order to be eligible
24 to work here, even -- even to apply.

1 ASSEMBLYMAN DeSTEFANO: And one last
2 question for Commissioner Reardon.

3 We started this way back in COVID days
4 with the Department of Labor, the antiquated
5 system that we had. I remember being on a
6 Zoom call with you and addressing those
7 issues.

8 The monies that are owed that we
9 haven't paid, there's like 31 states that use
10 the Coronavirus Act -- CARES and the
11 Affordable -- where they gave money -- do you
12 think it was proper that we never paid back
13 any of that money and we have a ton of money
14 outstanding that needs to get paid back?

15 DOL COMMISSIONER REARDON: I am not in
16 charge of the CARES money, so I really can't
17 have an opinion about it.

18 ASSEMBLYMAN DeSTEFANO: I'm just
19 asking an opinion --

20 DOL COMMISSIONER REARDON: You know,
21 other states do what they do. I think what
22 we have done is appropriate for New York
23 State.

24 And I want to go back to something you

1 said about the people in your district or in
2 your area who need work. Our Career Centers
3 are open to everyone entitled to work in the
4 State of New York. And if you have people in
5 your district who need a job, please send
6 them to us.

7 ASSEMBLYMAN DeSTEFANO: I will. Thank
8 you very much. Appreciate it.

9 CHAIRWOMAN KRUEGER: Thank you very
10 much.

11 Senator Borrello.

12 SENATOR BORRELLO: Thank you,
13 Madam Chair.

14 Commissioner Reardon, I want to
15 follow up and talk a little bit about 191. I
16 think you correctly presented this as really
17 a boon for lawyers more than anything else.
18 But part of that's because the definition of
19 what a manual worker is isn't defined.
20 You've got thousands upon thousands of
21 workers who have filed lawsuits now that were
22 paid every penny. And now we're going to be
23 collecting damages, and it's going to be a
24 huge problem.

1 You know, I can tell you myself, in my
2 businesses we pay our people every week. But
3 you have those that weren't aware -- and by
4 the way, most small businesses use payroll
5 companies, and the payroll companies were not
6 aware. But yet now we are looking at
7 businesses that are going out of business
8 because of this 191 lawsuit issue.

9 I think the Department of Labor could
10 at least help out with trying to define more
11 clearly what a manual worker actually is.

12 DOL COMMISSIONER REARDON: I could
13 look into that.

14 I think the recommendation to take
15 away the incentive for these cases is really
16 the best way to handle this. But we can
17 certainly look into it.

18 SENATOR BORRELLO: So in the
19 Governor's budget she's doing exactly that,
20 correct, to take away the financial incentive
21 to bring these lawsuits.

22 I mean, I heard a story about some
23 Dairy Queen owners on Long Island. You know,
24 they're going to go out of business --

1 millions of dollars in fines -- and the
2 individual employees are going to get less
3 than a thousand dollars apiece.

4 DOL COMMISSIONER REARDON: Yeah, it's
5 not about the -- it's not about the
6 employees. It's about the lawyers.

7 SENATOR BORRELLO: Yeah, I agree with
8 you there 100 percent.

9 You know, that's -- so a definition of
10 manual worker that hopefully could be put
11 into place even in this budget process,
12 perhaps in the Governor's 30-day amendments,
13 that would allow us essentially to eliminate
14 some of these frivolous lawsuits that have
15 been brought by people that clearly are just
16 looking for a big payday but at the expense
17 of particularly small businesses, would be
18 the way to go.

19 DOL COMMISSIONER REARDON: Thank you.

20 SENATOR BORRELLO: You know, it was
21 brought up before about the Unemployment
22 Insurance Fund. NFIB, on the previous panel,
23 brought this up. And I realize, you know,
24 that you do not have the ability to earmark

1 those funds.

2 But on top of that, I think it's
3 important to understand that this has been a
4 tremendous challenge. So you certainly have
5 the ability to make a recommendation to the
6 Governor. She trusts you. You know, the
7 Governor's basically saying, We've got all
8 this money in our reserves, but yet it's
9 like -- you know, like your kid saying to
10 you, I charged up your credit cards to the
11 max, but look at the money I have in my
12 savings account, Mom.

13 What about making a recommendation
14 that we actually do indeed use some of these
15 reserves the Governor's bragging about to pay
16 down this Unemployment Insurance debt?

17 DOL COMMISSIONER REARDON: Thank you.

18 CHAIRWOMAN KRUEGER: That's it?

19 Assembly.

20 ASSEMBLYMAN BRONSON: Next up will be
21 Assemblymember Durso.

22 ASSEMBLYMAN DURSO: Thank you, Chair.
23 I appreciate it.

24 Thank you, everybody, for coming here

1 to testify.

2 Commissioner Reardon, just a quick
3 follow-up from what Senator Martins was
4 talking about.

5 I obviously am hearing the same
6 things, especially on Long Island with
7 obviously the disconnect. Some of them are
8 saying that the enforcement of, you know, the
9 wage-theft laws and the investigators
10 basically aren't coming out to investigate.

11 So do you have numbers of how many
12 investigators we have that are set for
13 Long Island? Are they specifically set for
14 Long Island?

15 DOL COMMISSIONER REARDON: Sure. Yup,
16 I do. I don't have them right here, but I
17 can get them for you.

18 ASSEMBLYMAN DURSO: Okay. I think
19 it's nine. And that's --

20 DOL COMMISSIONER REARDON: No, no.
21 Oh, no. There are definitely inspectors for
22 public work on Long Island.

23 ASSEMBLYMAN DURSO: No, no, no, I said
24 I think there's nine --

1 DOL COMMISSIONER REARDON: Nine. Oh,
2 I thought you said none.

3 ASSEMBLYMAN DURSO: No. No, no, I
4 didn't say that.

5 But so if there -- I apologize if it
6 came out that way. That would have been a
7 little rough, I'm sorry.

8 But again, I am hearing the same
9 things that the Senator's hearing. And
10 again, we're addressing the same thing from
11 last year. So has there been anything done
12 specifically to address that since last year?
13 Because again, we're still hearing the same
14 issues going forward.

15 And some of those unions and
16 contractors are doing self-investigations,
17 and the DAs both in Nassau and Suffolk have
18 been great about investigating wage theft.

19 But what is the Department of Labor
20 doing specifically?

21 DOL COMMISSIONER REARDON: So we take
22 those all very seriously and we look into --
23 whenever they give us tips, we follow up on
24 them. We do proactively visit worksites and

1 talk to the workers to see if there's -- you
2 know, if there's an indication that they're
3 being underpaid.

4 It is -- to be frank, it is a constant
5 concern that, you know, there are -- there
6 are employers who cheat their workers. And
7 we try every way that we can to keep that
8 from happening.

9 I -- you know, we have a new director
10 of public work. He's new, about a year and a
11 half, and he's been doing a great job. We're
12 doing a lot of work within the entire
13 agency -- reorganizing units, training them,
14 giving them better tools, making sure that
15 we're using the resources we have as
16 effectively and efficiently as we can.

17 For those unions who are concerned,
18 please don't stop giving us the tips. We
19 actually do use them and we do pursue those
20 cases.

21 But it is -- it is a problem. The
22 construction industry is one of the
23 industries where it is a big problem, because
24 often there are contractors who pay in cash.

1 They don't have records. They avoid the law,
2 and it's very hard. But we do pursue them.
3 We work very much with workers, trying to
4 say, Please, work on the books, because you
5 are not protected if you work off the books.

6 We will pursue the case, but it is
7 much harder to get the records that we need,
8 frankly.

9 ASSEMBLYMAN DURSO: Okay, I appreciate
10 that. And again, you know, making that
11 connection or figuring out what the
12 disconnect is between those contractors, the
13 trade unions and your office, I'd love to be
14 on that as well --

15 DOL COMMISSIONER REARDON: Sure.

16 ASSEMBLYMAN DURSO: -- just so that
17 everybody could be on the same page and we
18 can get it fixed.

19 DOL COMMISSIONER REARDON: As you
20 know, I work very closely with the building
21 and construction trades, and I'm happy to sit
22 down and talk about it.

23 ASSEMBLYMAN DURSO: Thank you so much.

24 DOL COMMISSIONER REARDON: Mm-hmm.

1 CHAIRWOMAN KRUEGER: (Mic off;
2 inaudible.)

3 SENATOR MATTERA: Thank you, Chair. I
4 appreciate it, and thank everybody on the
5 panel for your testimony.

6 You know, I just want to thank my
7 colleagues also for bringing that up, because
8 it's very important. I'm not going to
9 elaborate on that.

10 But one thing that's important --
11 Commissioner, what is the unemployment rate
12 right now?

13 DOL COMMISSIONER REARDON: The
14 unemployment right now is -- in the state
15 it's below 4, I think.

16 SENATOR MATTERA: It's a little higher
17 than that.

18 And what does that equate to? How
19 many people right now file for unemployment
20 right now?

21 DOL COMMISSIONER REARDON: If you want
22 to give me a minute --

23 SENATOR MATTERA: I can answer the
24 question for you.

1 DOL COMMISSIONER REARDON: -- I have
2 it here, but --

3 SENATOR MATTERA: It's 215,000 people.

4 DOL COMMISSIONER REARDON: Probably.

5 SENATOR MATTERA: What are we doing to
6 get these 215,000 people back to work to
7 go -- instead of these migrants that came
8 here. But guess what, because I'm not going
9 to get into the state being a sanctuary state
10 and a sanctuary city -- what are we doing to
11 get these 214,000 people to get educated,
12 reeducated for jobs, instead of the migrant
13 crisis disaster that has happened with
14 New York State? And you know what, I'm
15 asking you, as the commissioner of Labor.

16 DOL COMMISSIONER REARDON: Mm-hmm. So
17 we work every day with people who are on the
18 unemployment insurance system. They are
19 required to register for job search and
20 support at the local Career Centers. We make
21 all of those services available to all of
22 them, and we make sure that they follow up on
23 the appointments that they should have.

24 Anybody who is authorized to work in

1 the State of New York gets our services. And
2 I really want people to understand the fact
3 that because we answered the call from the
4 Governor to help the asylum-seekers who have
5 come here and have authorization to work find
6 jobs does not mean that we are not helping
7 other people in your district or anywhere
8 else.

9 I want everybody to have a good career
10 path. And that's what we do every day.

11 SENATOR MATTERA: We need to do a
12 better job. We shouldn't have 4.5 percent
13 unemployment, Commissioner. And you know
14 what? We need to do a better job to get all
15 these people back out to work. Our citizens,
16 residents of New York State. This is a total
17 disaster that we are not going out of our way
18 with this.

19 The apprenticeship programs, there's
20 so many bogus programs that are out there. A
21 lot. Please, don't -- I'm asking you, what
22 are we doing about these bogus programs that
23 are not graduating anybody?

24 DOL COMMISSIONER REARDON: Our

1 registered -- if you're talking about
2 registered apprenticeships --

3 SENATOR MATTERA: Yes, registered
4 apprenticeship programs.

5 DOL COMMISSIONER REARDON: Our
6 registered apprenticeships are overseen by
7 their ATRs in the agency. They are monitored
8 twice a year. They have to meet standards.
9 And we de-register programs every year who do
10 not meet the standards.

11 We're going to put those
12 deregistrations --

13 SENATOR MATTERA: I know. There's an
14 apprenticeship program called the Merit
15 Alliance. It is a totally bogus program
16 that -- there it is, I see a beautiful letter
17 from the Governor for doing such a great job.
18 Doing a great job doing what?

19 DOL COMMISSIONER REARDON: They
20 have --

21 SENATOR MATTERA: What they do is they
22 exploit their workers. And what they're
23 doing is they're using names. That's all
24 they're using. The Merit Alliance uses names

1 so they can get on bids, so they can bid on
2 work. I can't believe that three minutes
3 went that fast.

4 (Laughter.)

5 CHAIRWOMAN KRUEGER: Thank you.
6 Assemblymember.

7 ASSEMBLYMAN BRONSON: Yes, next we'll
8 go to Assemblymember Jones.

9 ASSEMBLYMAN JONES: Good afternoon --
10 good evening, whatever it is. Thank you for
11 being here.

12 My question is -- my questions are
13 with Commissioner Hagues. I will reiterate
14 what I said last year. It appears that, you
15 know, we are moving forward on civil service.
16 It's, as last year we said, an antiquated,
17 sometimes broken system, quite honestly.

18 DCS COMMISSIONER HOGUES: We agree.

19 ASSEMBLYMAN JONES: And everyone has
20 mentioned here it's a changing world,
21 changing work environment. We need to stop
22 putting up barriers to get our people into
23 state employment and into local employment.

24 HELPS, I like what I'm hearing about

1 it. But we need to put it into the local
2 level, counties. I have counties calling me
3 every day about the barriers.

4 Obviously I won't talk about Tier 6 --

5 (Laughter.)

6 ASSEMBLYMAN JONES: -- not in your
7 purview. But there are barriers with
8 civil service. And at one point it was put
9 in I'm sure worked out great, but our
10 changing world calls for us to take those
11 barriers down.

12 Is the HELPS program that's going to
13 be implemented into the counties going to
14 have any -- what are the guardrails there?
15 What are they -- is it the same as what the
16 state is doing?

17 DCS COMMISSIONER HOGUES: Correct.

18 And so I want to be clear that HELPS has been
19 at the local level for the direct care --

20 ASSEMBLYMAN JONES: But you have to
21 meet certain requirements? Or is it just
22 local --

23 DCS COMMISSIONER HOGUES: So no, so
24 HELPS has been -- so after we established the

1 HELP program on the state level, we did the
2 same thing on the local level for the direct
3 care, so the health and safety-type titles.
4 And so those are the thousand-plus jobs that
5 they have utilized.

6 And so now that we're expanding it,
7 we're doing the same thing for --

8 ASSEMBLYMAN JONES: Are we expanding
9 it for everyone? I know HELPS, the acronym.
10 But everyone needs help here. I have
11 departments coming to me with 30, 40 percent
12 vacancy rates. You know what they say?
13 Civil Service, by the time you sign up for
14 the test --

15 DCS COMMISSIONER HOGUES: Yup. Yup.

16 ASSEMBLYMAN JONES: I have figures
17 right here. I had -- I had my dispatchers in
18 today: Nine to 10 months before they can
19 actually hire somebody. In this competitive
20 job market that we're in right now, that's
21 just unacceptable.

22 DCS COMMISSIONER HOGUES: So that's
23 extreme. But when I first got here I asked
24 the same thing. I pulled back the curtain

1 and said, Why does it take so long for us to
2 be able to hire an individual --

3 ASSEMBLYMAN JONES: What about using
4 more technology in there?

5 DCS COMMISSIONER HOGUES: And that is
6 the approach that we're talking about in this
7 parallel path. As we utilize the HELP
8 program to staff the emergency positions and
9 the vacancies in this employment gap, we're
10 taking that time to reimagine our civil
11 service delivery system and that whole --
12 from advertising the position to the time an
13 individual gets to take the test to the time
14 they enter in the --

15 ASSEMBLYMAN JONES: Provisional.

16 DCS COMMISSIONER HOGUES: No. No.

17 ASSEMBLYMAN JONES: Big issue,
18 provisional, with our localities.

19 DCS COMMISSIONER HOGUES: And so HELPS
20 helps -- HELPS helps with that as well.

21 ASSEMBLYMAN JONES: Okay. I don't
22 want to be here next year talking about this
23 same thing. I hope these -- I hope we make
24 progress in this.

1 DCS COMMISSIONER HOGUES: Thank you.

2 And anywhere you need me to come,
3 we'll be there to talk to constituents.

4 ASSEMBLYMAN JONES: Thank you very
5 much.

6 CHAIRWOMAN KRUEGER: Thank you.

7 Hi, I think I'm the last Senator --
8 with the exception of a follow-up question
9 from Senator Ramos after we get back and
10 forth.

11 So going back to the -- I'm sorry,
12 first Commissioner Reardon, the wage-theft
13 issues.

14 A bill that many of us worked very
15 hard on, which got negotiated and weakened
16 before the Governor agreed to it, was the
17 LLC database of who in fact is behind all
18 these businesses in New York. And it does
19 appear that when we get some significant
20 complaints about wage theft in New York City
21 or in my district -- several recently, even
22 this week -- it's companies not paying their
23 workers but hiding behind fake LLC
24 companies -- or LLCs you can't track.

1 So we wanted the ability to have on
2 the database the LLCs for everyone to look
3 at. And under the negotiated changes, it
4 will only be certain people in law
5 enforcement. And yet for you, when you are
6 trying to track down wage theft, it seems to
7 me that it's pretty critical that Department
8 of Labor can work with the violated workers
9 to figure out who the hell they actually were
10 working for and having their wages withheld
11 from them.

12 So will you have access? Do you know
13 about this at all?

14 DOL COMMISSIONER REARDON: I actually
15 don't know. And that's a really good
16 question. Let me find out.

17 I know that it was changed in the
18 negotiations, but I don't know where it ended
19 up, so -- I'll get you an answer. It's a
20 good question.

21 CHAIRWOMAN KRUEGER: Because I think
22 it won't go into effect for two years, maybe.
23 But I think it's really a critical tool for
24 your agency --

1 DOL COMMISSIONER REARDON: I agree.

2 CHAIRWOMAN KRUEGER: -- to be able to
3 figure out. Because this is a constant
4 struggle for us. We have companies even who
5 have drawn down tax incentives from
6 Economic Development or through IDAs that we
7 then later learn actually were violating all
8 these labor laws and not paying their
9 workers.

10 And then when you try to track them
11 down and figure out who the heck it is that
12 anybody was working for, you find it's one
13 company that's the LLC who supposedly is the
14 owner of the property; it's another LLC who
15 was subcontracted to, to hire everybody; and
16 it was another LLC that picked it all up when
17 somebody started to ask questions.

18 So I think it's really crucial to help
19 you and your people get to the bottom of
20 things quickly, that we actually make sure
21 that you have access.

22 DOL COMMISSIONER REARDON: Thank you.

23 So we do civil law enforcement. And I
24 will check into it.

1 CHAIRWOMAN KRUEGER: Okay, thank you.

2 And then you referenced before that if
3 we're doing anything like we did them 10
4 years ago we're probably not doing it right.
5 So I know things have gotten much better
6 since the pandemic. But we still get calls
7 every day that people can't get the phones
8 answered when they call DOL, and they have
9 questions or they have problems.

10 What do we need to do?

11 DOL COMMISSIONER REARDON: I know.

12 So very complicated. We've talked
13 about this before. The surprising fact is
14 the volume of calls coming into the UI call
15 center are three times as high as they were
16 at the same unemployment level before the
17 pandemic. So clearly something has changed
18 in the public.

19 And I have talked with other agency
20 heads -- I even talked to my doctor's office.
21 They all said the same thing. The public has
22 a very different expectation of service
23 delivery, partly because they could order
24 everything online during the pandemic. And

1 it has really changed the way they expect
2 delivery.

3 So we are adapting -- you know, I
4 can't just yell at them and say don't call as
5 much, because that's not productive. But it
6 is a problem, because it is three times as
7 high and we struggle to do the -- to catch
8 them all.

9 In July our new CCAI phone system went
10 into effect, and we now have virtual agents
11 that can answer many questions, including
12 authenticated questions for authenticated
13 specific people. That system alone has
14 answered five and a half million questions
15 since the end of last July. So it is a big
16 help. Obviously it has not erased the
17 problem, but it is a large help. The chatbot
18 on the site, Perkins, now is communicating in
19 14 languages. And it can answer not only
20 general questions about, you know, how long
21 do I wait for a check and all that kind of
22 stuff, but if you authenticate your claim
23 with your number, then it can answer certain
24 questions in specific and you won't have to

1 work with an agent.

2 The new system will alleviate all of
3 that. The new system goes online later this
4 year. It will be soup-to-nuts a brand-new
5 system.

6 And let me just say about the new
7 system, it's not just a lift-and-shift from
8 the 1970s mainframe to a new cloud-based
9 system. The 1970s mainframe had -- it's a
10 Frankenstein, literally. It has over 270
11 minisystems that I call the barnacles that
12 are attached to this system that have kept it
13 running all these years. So when our
14 developer came in, they not only had to
15 develop a system for the mainframe, they had
16 to untangle the Frankenstein attached to it,
17 code all of that, and then move it into the
18 cloud.

19 So we are close. It is a day that I
20 will absolutely drink champagne when it goes
21 live. I urge you to join me. But it will
22 really be an amazing transformation of this
23 system. And it will alleviate the need for
24 people to talk to an agent as much. They

1 will be able to do their claim online. There
2 will not be that complicated, you know, phone
3 path that we used to have.

4 It will aggregate all of our data into
5 one data warehouse so we're not searching
6 through the mainframe and the Frankenstein
7 system to get the information; it's all in
8 one place. It goes from the very first issue
9 of the first claim all the way through the
10 last appeal.

11 This is the largest UI system rebuild
12 in the country. And when it is up, we are
13 told by our friends in Washington they
14 believe it will be the gold system -- gold
15 standard for the country.

16 But it has been, as you know, a very
17 difficult job. I am very proud of the men
18 and women who have done this work. But it is
19 very difficult. And I urge you to join me
20 the day it goes live.

21 CHAIRWOMAN KRUEGER: We'll look
22 forward to that.

23 DOL COMMISSIONER REARDON: Me too.

24 CHAIRWOMAN KRUEGER: I don't drink,

1 but I'll be happy to stand there with you.

2 DOL COMMISSIONER REARDON: Yes.

3 Whatever you drink, club soda -- I don't
4 care.

5 (Laughter.)

6 CHAIRWOMAN KRUEGER: Thank you.

7 I'm going to turn it back over to the
8 Assembly.

9 ASSEMBLYMAN BRONSON: Thank you.

10 We've been joined by Assemblymember
11 Santabarbara.

12 And the next questioner will be
13 Assemblymember Jacobson.

14 ASSEMBLYMAN JACOBSON: Thank you,
15 Mr. Chair.

16 "Workforce development" now are the
17 new cool buzzwords. But just because some
18 entity says they do workforce development
19 doesn't mean they do it. And I have -- so I
20 think we need accountability in this, which
21 is why I submitted a bill so that those
22 receiving state funds would report once a
23 year to the Department of Labor.

24 They would say how many people they

1 reached when they did their outreach, and it
2 doesn't mean I did 300 people meaning that
3 they went to a auditorium in a high school
4 where all the kids were sleeping, no.
5 They've got to have a phone number.

6 We want to know how many took the
7 training, how many finished the training.
8 And of those that finished, did they get
9 jobs, and what is their status six, 12, 18,
10 24 months later.

11 And the problem is we have people that
12 take the money and there's no results, and I
13 don't know what's going on.

14 So I hope you would consider that.

15 DOL COMMISSIONER REARDON: Thank you.

16 You know, the workforce development is
17 a sweet spot for me. I think it's a really
18 important part of what we do. Being able to
19 quantify workforce development is difficult
20 for everybody in the country, for a lot of
21 different reasons.

22 But your suggestions are good. All of
23 our money is federal money, so it comes with
24 federal regulations attached to it. But we

1 would certainly entertain --

2 ASSEMBLYMAN JACOBSON: I'm a -- I'm a
3 peon, I only get three minutes.

4 So, you know, all I'm going to say is
5 that if you believe in government to do good
6 things, then we have to be more responsible
7 to make sure things are being done.

8 DOL COMMISSIONER REARDON: Well, I
9 thank the Governor for setting up the new
10 Office of Workforce Data, which will actually
11 give us a lot of muscle in that area.

12 ASSEMBLYMAN JACOBSON: Right.

13 The other thing is -- you know, one
14 thing that you should reach out and do a
15 collaboration with the Department of
16 Education is on P-TECH. P-TECH is
17 tremendous, right? They get a two-year
18 degree at the end of high school. And of
19 course they're provided transportation, they
20 get paid internships. And in the
21 Hudson Valley that I represent, they go to
22 IBM, they go to GlobalFoundries.

23 When P-TECH started about 10, 12 years
24 ago, we started -- we were the first in the

1 country. We have 60 now. Texas started two
2 years after that; they have 900. So we've
3 got to get our act together there.

4 And one other thing, when we do
5 training, is that just because -- let's say
6 this. We don't want to build a bridge to
7 nowhere, and we don't want training that
8 doesn't lead to a job.

9 DOL COMMISSIONER REARDON: Nope.

10 ASSEMBLYMAN JACOBSON: And what we
11 need to do is make sure that we talk to the
12 employers and ask them, What do you need?
13 What skills do you need? And have them
14 basically write the curriculum so that this
15 training doesn't lead to nowhere.

16 DOL COMMISSIONER REARDON: Thank you.

17 ASSEMBLYMAN JACOBSON: Thank you.

18 CHAIRWOMAN KRUEGER: Thank you.

19 And we have Chair Ramos for her
20 three-minute follow-up.

21 SENATOR RAMOS: Thank you,
22 Chair Krueger.

23 I wanted to bring up the topic of
24 home-care workers, Commissioner. We gave

1 home-care workers a raise to address the
2 home-care shortage, and this budget is
3 proposing a cut to their wages. So I'll
4 actually kind of talk about a little table I
5 have here. In FY '23 we established their
6 wage \$19.09 in New York City. In FY '24,
7 \$21.09. And now in this proposed FY '25
8 budget, we're now down to \$18.55 per hour.

9 So I guess I'm interested in what your
10 analysis for that particular workforce is and
11 whether this is actually going to help us
12 address the workforce shortage that we have.

13 DOL COMMISSIONER REARDON: So that's
14 interesting, I don't actually know about
15 that -- that part of the budget because it's
16 not us. But I certainly will look into it.

17 You know, we really appreciated the
18 increase that was passed. And it's very,
19 very important. It is a very tough job, as
20 we all know, and we have a growing need of
21 home-care workers because we're all getting
22 older and we're all going to need them. So
23 we're very aware of that.

24 SENATOR RAMOS: And many of us are

1 very worried about how our aging parents will
2 be taken care of. And certainly we're on our
3 way there too.

4 DOL COMMISSIONER REARDON: I hear you.

5 SENATOR RAMOS: Well, since we have a
6 little more time, I want to ask about adults
7 with disabilities. Only 33 percent of adults
8 with disabilities are currently employed in
9 New York State. What has the department done
10 to prioritize disability-inclusive hiring
11 practices in state agencies?

12 Maybe that's a twofer.

13 DOL COMMISSIONER REARDON: You want to
14 go first?

15 DCS COMMISSIONER HOGUES: Sure.

16 So thank you for the question. Last
17 year in the process we increased our 55-b
18 program from 1200 to 1700 because we were --
19 for the first time in state history, we were
20 approaching that ceiling. And so that
21 program continues to thrive. We're over the
22 1200 mark.

23 The area that we're having struggles
24 in is the 55-c, which is for veterans with

1 disabilities. And so we've been working with
2 our Chief Disability Officer and the
3 commissioner for Veterans to really see how
4 we can promote those opportunities.

5 But we also believe that the HELP
6 program will be able to address those,
7 because it takes away some of the barriers
8 for qualifying for the program, and
9 individuals could enter right into state
10 government with permanent opportunities. And
11 so we're excited to see where that will lead.

12 SENATOR RAMOS: We need a Helmets to
13 Hardhats in Civil Service.

14 DOL COMMISSIONER REARDON: So all of
15 our Career Centers have adaptive technology,
16 both hardware and software, for people with
17 disabilities. Our mantra is we meet our
18 people where they are. And we want to put
19 people to work whatever that work may be. We
20 are very connected across the state, very
21 proud of the work. And I'm really proud to
22 work with Kim Hill because she is an amazing
23 force of nature leading this charge. And I
24 told her, sign us up, we're there.

1 SENATOR RAMOS: Thank you,
2 Commissioners.

3 DOL COMMISSIONER REARDON: Thank you.

4 CHAIRWOMAN KRUEGER: Thank you.
5 Assembly.

6 ASSEMBLYMAN BRONSON: Yes. Next
7 questioner will be Assemblymember Slater.

8 ASSEMBLYMAN SLATER: Thank you,
9 Chairman.

10 Good afternoon to the panel. Thank
11 you so much for joining with us.

12 Commissioner Reardon, great to see you
13 again.

14 I just wanted to follow up on our
15 conversation that we had last month.

16 One of the things that we discussed
17 was Indian Point and the building and trades
18 workers who are there. To date we've seen
19 103 carpenters be laid off, 21 operating
20 engineers, as well as electricians and
21 ironworkers.

22 I brought this to you last month, and
23 I'm curious if you've engaged with the
24 Westchester Putnam Building and Trades to

1 provide any type of services for their
2 members or what the plan is moving forward
3 for the men and women who work at
4 Indian Point.

5 DOL COMMISSIONER REARDON: Yeah, it
6 is -- you know, Indian Point was going on
7 when I came in many, many years ago, it
8 seems, and it's still there.

9 We do the WARN services when people
10 are laid off. And WARN services are an early
11 intervention. So we meet the workers, we
12 explain what their rights are, we offer any
13 kind of employment services they may need,
14 what other training do they need, all of
15 that.

16 And we're very -- we work very closely
17 with the Putnam folks and have for a long
18 time on this. It's -- it's a difficult
19 situation. But we definitely have reached
20 out to them, and we're there for them
21 whatever they need.

22 ASSEMBLYMAN SLATER: And are you in
23 communication with Holtec in regards to any
24 future layoffs that may be planned?

1 DOL COMMISSIONER REARDON: I think we
2 are. Let me find out. I mean, I know they
3 have to report it to us. But I don't know
4 what kind of lag time we get ahead.

5 ASSEMBLYMAN SLATER: I appreciate
6 that.

7 I also just wanted to follow up on
8 your comments earlier regarding the UITF.
9 And so you said earlier that we've been able
10 to pay back \$2 billion over the last two
11 years, and that you're anticipating by 2028
12 that it should be fully restored.

13 So does that mean by 2028 that's the
14 year that the IAS will be suspended?

15 DOL COMMISSIONER REARDON: The IAS
16 will be suspended when there's no more debt
17 to pay the interest on. So yes.

18 ASSEMBLYMAN SLATER: So 2028 is the --

19 DOL COMMISSIONER REARDON: Assuming
20 it's paid off, there will be no interest
21 because there will be no -- nothing to pay
22 on.

23 ASSEMBLYMAN SLATER: Fantastic.
24 Because I think you've heard plenty of times

1 today from the business community that we
2 keep hearing from regarding that surcharge
3 and the effect it's having.

4 DOL COMMISSIONER REARDON: I mean,
5 obviously market conditions continuing the
6 same. But in the last two years that's
7 definitely what we've done, and it seems to
8 be pretty good, so.

9 ASSEMBLYMAN SLATER: I appreciate
10 that.

11 In my remaining time I just wanted to
12 talk about AI quickly. Do we have
13 ascertained or any idea how many state
14 agencies are currently utilizing AI when it
15 comes to hiring or even managing workforce
16 productivity?

17 DOL COMMISSIONER REARDON: It's
18 interesting because AI is so many different
19 applications. So no, I don't think we have a
20 distinct list. Because again, AI is, you
21 know, hey Google, it's your phone, it's all
22 of that stuff. It's definitely in use, but I
23 don't know -- I don't think we have a
24 compendium of them, because it's too broad.

1 ASSEMBLYMAN SLATER: Understood.

2 Thank you very much. I appreciate it.

3 CHAIRWOMAN KRUEGER: Thank you.

4 Three-minute follow-up from our Civil
5 Service chair.

6 SENATOR JACKSON: So quickly,
7 Commissioner Hogues, the Civil Service
8 Commission authorized the expansion of
9 NY HELPS. Does that include the localities,
10 the local governments also?

11 DCS COMMISSIONER HOGUES: So as I
12 mentioned earlier in my testimony and
13 follow-up questions, that we will be bringing
14 that request in front of the Civil Service
15 Commission next month.

16 SENATOR JACKSON: Okay. And hopefully
17 the answer's thumbs up?

18 DCS COMMISSIONER HOGUES: Hopefully
19 the answer is thumbs up, yes.

20 SENATOR JACKSON: Okay.

21 DCS COMMISSIONER HOGUES: Because
22 we've heard from localities constantly,
23 talking about the struggles that they've been
24 having and requesting for the expanded HELPS

1 program.

2 SENATOR JACKSON: Regarding the IRMAA,
3 how many retired state employees do we have
4 on record overall? Because if in fact if
5 that goes through, it's going to be
6 devastating for those retirees that are on
7 fixed incomes.

8 DCS COMMISSIONER HOGUES: So I'll have
9 to follow up with you on that to find out how
10 many there are.

11 SENATOR JACKSON: Okay. And Director
12 Volforte, with respect to -- you said
13 consistent with the Governor's State of the
14 State message and our requested budget, our
15 office will take the lead on providing
16 additional diversity, equity and inclusion
17 training for the state workforce to foster a
18 work environment of inclusivity and continue
19 to move New York forward as an employer of
20 first choice.

21 Where are you at with that now, if
22 anything?

23 GORE DIRECTOR VOLFORTE: So we've
24 rolled out a series of trainings. A number

1 of years ago we rolled out a gender identity
2 toolkit for all state employees, and we're on
3 the cusp of launching an additional training.
4 And most of the training in this area is --
5 because the area is so broad, it's general
6 education, it's education on what the law is,
7 because all state employees are required to
8 comply with the law. And it also talks about
9 real-world experiences and general respect in
10 the workplace.

11 SENATOR JACKSON: Sure. And if in
12 fact there were claims of discrimination in
13 the workplace, would that go to OER or would
14 it go to Labor or would it go to Civil
15 Service? I would think that would be in your
16 camp, is that correct?

17 GORE DIRECTOR VOLFORTE: Yeah. For
18 all direct-controlled-by-the-Governor
19 executive branch agencies, complaints of
20 protected class discrimination are required
21 to be investigated by OER.

22 SENATOR JACKSON: Okay.

23 Well, I want to thank all three of you
24 for coming in and trying to answer all of the

1 questions that we have.

2 Obviously we want a perfect world
3 of -- which includes everyone, including
4 those restaurant workers that are depending
5 on a minimum wage plus tips in order to earn
6 a living. So I want to thank all three of
7 you for coming in.

8 DCS COMMISSIONER HOGUES: So it seems
9 like you have 15 seconds left, and so I do
10 want to take a -- make a cheap plug that for
11 anyone that would like for Civil Service to
12 come into their district and educate their
13 individuals on what's going on, the
14 opportunities, we will be happy to do that.

15 SENATOR JACKSON: Thank you.

16 Thank you, Madam Chair.

17 ASSEMBLYMAN BRONSON: Thank you.

18 The next questioner will be

19 Assemblymember Giglio.

20 ASSEMBLYWOMAN GIGLIO: Thank you.

21 And thank you all for being here this
22 afternoon.

23 And I guess my question is back to the
24 unemployment issue and the people that are on

1 unemployment. I've been to the Career
2 Centers. They really don't look like they're
3 functioning every day. I'm told, in meeting
4 with the Labor -- many representatives of
5 your office, that the requirement for
6 somebody that's on unemployment is to go to
7 the career center once every 90 days.

8 DOL COMMISSIONER REARDON: They have
9 to check in. They have things that they have
10 to do. There is a protocol.

11 Do you mean that my workers don't look
12 like they're doing anything?

13 ASSEMBLYWOMAN GIGLIO: No, the workers
14 were great. And they were very informative.
15 And I was actually very impressed with the AI
16 and the process in which to apply for
17 unemployment.

18 But we've lost the human touch. And
19 that's what I'm concerned about, is that
20 there may be more people accessing
21 unemployment that are capable of working and
22 capable of being matched with jobs, that are
23 not. Because I'm hearing in the employment
24 community that they have people that are on

1 unemployment that are calling, making an
2 appointment to come in and interview, and
3 then they're not showing up. And no one from
4 the Department of Labor is ever following up
5 to see if that person actually showed up for
6 the interview and whether or not the job was
7 offered to them and, if it was, why did they
8 reject the job.

9 And if they rejected the job because
10 they didn't think they had the skills, then I
11 would think that that would mandate them
12 immediately going to the Career Opportunity
13 Center to get those skills. So that if they
14 were interested in the job in the first
15 place, that they should be trained for that
16 job.

17 So I'm happy to hear from
18 Civil Service that those Career Centers are
19 going to be utilized by Civil Service as
20 well. I just am wondering -- I just think
21 it's too easy to collect unemployment and
22 there's no accountability on the unemployed
23 to get a job. And I think that it's either
24 the Department of Labor is short-staffed and

1 you can't have that one-on-one connection to
2 find out what happened, why they didn't get
3 the job or why they didn't show up.

4 So if you could fill me in on that,
5 please.

6 DOL COMMISSIONER REARDON: So
7 everybody who comes into UI has -- they
8 develop their own account. And they fill out
9 their skills --

10 ASSEMBLYWOMAN GIGLIO: I set one up.

11 DOL COMMISSIONER REARDON: Yes, so you
12 know -- you know what the process is.

13 ASSEMBLYWOMAN GIGLIO: Yup.

14 DOL COMMISSIONER REARDON: And every
15 week we send out emails to customers -- and
16 you don't have to just be on unemployment,
17 you can be -- you can come in and get these
18 services without being a UI customer.

19 Every week we send out emails with
20 leads: These employers in your area are
21 looking for people of your type and, you
22 know, here are the details. A lot of those
23 are very, very successful.

24 We do not follow up individually at

1 this point with each person for each job
2 opening that we've recommended. I don't
3 think that we would be able to, quite
4 frankly.

5 ASSEMBLYWOMAN GIGLIO: Well, I'm happy
6 to hear that you're going from the old
7 mainframe into a cloud-based system, because
8 we did that on a local level.

9 But I think that there needs to be a
10 mechanism in there also for employers to
11 report that this person on unemployment
12 didn't show up. And if it becomes a habit,
13 then that person should no longer be
14 collecting unemployment. They're on
15 unemployment for too long.

16 DOL COMMISSIONER REARDON:
17 Interesting. Interesting idea. Thank you.

18 ASSEMBLYWOMAN GIGLIO: Thank you.

19 ASSEMBLYMAN BRONSON: Thank you.

20 And next we'll turn to Senator Rhoads.

21 SENATOR RHOADS: Thank you so much,
22 Chairman.

23 I know we're running towards the end.
24 I want to thank you for your patience. I'm

1 also pleased that I was able to get here from
2 session so I could chime in with a couple of
3 follow-up questions.

4 I wanted to talk specifically, even
5 though this is under the purview, really, of
6 the Department of Health, the occupational
7 health clinic network. I know that in the
8 current budget there's 9.8 million, I
9 believe, reserved for that, which has been
10 flat for really the last 10 years.

11 Are there any plans -- I know there
12 was an ask in the one-house from the Senate
13 last year. Are there any plans on the part
14 of the administration to expand those
15 services?

16 DOL COMMISSIONER REARDON: I think
17 you're asking me.

18 SENATOR RHOADS: Sure.

19 DOL COMMISSIONER REARDON: He doesn't
20 know; neither does Michael.

21 I'm not sure. Because it is a DOH
22 initiative. I can find out for you. But I
23 don't -- because it's not in my agency, I
24 don't know the workings of it. But I can

1 find out for you.

2 SENATOR RHOADS: Understood. I mean,
3 especially since it -- I mean, it's such an
4 important connection to labor, provides some
5 specific industries -- industry-specific
6 diagnosis and medical treatment, helping them
7 to be able to get back to work. I mean, from
8 a labor perspective, it certainly is
9 incredibly important.

10 DOL COMMISSIONER REARDON: Right.

11 SENATOR RHOADS: And the flat funding
12 for the last 10 years certainly isn't
13 reflective of the increase in cost.

14 So if you could do that, I would
15 certainly appreciate it.

16 DOL COMMISSIONER REARDON: Yeah, we'll
17 look into it.

18 SENATOR RHOADS: Thank you very much.

19 DOL COMMISSIONER REARDON: Mm-hmm.

20 ASSEMBLYMAN BRONSON: Thank you.

21 The next questioner will be
22 Assemblymember Santabarbara.

23 ASSEMBLYMAN SANTABARBARA: Okay,
24 great. Thank you.

1 Thank you, Commissioner, for being
2 here. Thank you all for being here. I know
3 it's been a long day.

4 Just wanted to ask a question about
5 employment for people with disabilities. I
6 know we talked about the unemployment rate,
7 much higher amongst that population. I know
8 there's some legislation that we passed, and
9 some programs. Just wanted to get your
10 feedback on the progress we're making and
11 what more we can do, perhaps in this state
12 budget, and maybe through legislation in the
13 rest of the session.

14 I have a son who's 22, and, you know,
15 perhaps with a job coach and some other
16 things, you know, he may be looking into this
17 as well. Many people come to my office and
18 ask the same thing: How can we open up these
19 employment opportunities.

20 And I will say that I have seen more
21 in the past few years, because there is a
22 workforce shortage and people are looking,
23 private companies are looking to hire. I
24 just wanted to get some feedback on what's

1 happening with your department.

2 DOL COMMISSIONER REARDON: So as I
3 said, we do have adaptive technology in all
4 of our Career Centers, and we have career
5 counselors trained to work with, you know,
6 people with various barriers, including
7 disabilities.

8 And we work very closely with, of
9 course, the not-for-profits and the schools
10 and all the other support systems in the
11 state. It's a very broad -- as you know, I'm
12 sure, a very broad group of support, and
13 we're part of it.

14 We really believe that anybody who can
15 work should work. And we support that
16 wholeheartedly. I have had wonderful
17 conversations with Kim Hill about it, because
18 it is -- it's actually a very meaningful
19 thing for me as well. And anything we can do
20 to be more accessible, to be more engaged as
21 a partner, we will do it. Because our job
22 really is to help people find work, whatever
23 that work may be.

24 DCS COMMISSIONER HOGUES: And if I may

1 jump in. And so from a state aspect, working
2 with Chief Disability Officer Kim Hill, she's
3 held her second DREAM Event where we talk
4 about opportunities for individuals with
5 disabilities to enter into the workforce. I
6 think it's about education about the
7 opportunities and making sure state agencies
8 are aware that we have a population that is
9 ready to work.

10 And then there's another thing that
11 came through one of the DREAM Events, is
12 Special Olympics came. And we had a great
13 time with them, and then I followed up with
14 them and I was able to go to one of their
15 opening ceremonies and talk about the
16 opportunities that are available in state
17 government.

18 So it's looking at opportunities for
19 marketing and getting that word out through
20 partnerships we may have not thought about in
21 the past. And so I think we're moving in the
22 right direction.

23 ASSEMBLYMAN SANTABARBARA: That's
24 great to hear.

1 And just quickly, some of the -- I
2 just pulled up some of the information on
3 some of the people that call my office. Some
4 of them lose their PIN number, some of them
5 have problems accessing the automated system
6 and they have trouble getting to a live
7 person. And most of the complaints come
8 from, again, the long wait times. So I just
9 wanted to ask about that real quick.

10 And also the Workers' Compensation,
11 the applications, and if you get denied or
12 have to go appeal, that process takes a very
13 long time. Sometimes people don't get the
14 treatment they need to get back to work and
15 that's all they want to do. But it --
16 sometimes it goes from three months,
17 taking -- you know, going to the hearings and
18 it ends up taking nine months, up to nine
19 months or even more --

20 CHAIRWOMAN KRUEGER: Sorry, you'll
21 have to continue after the hearing; you can
22 follow up.

23 ASSEMBLYMAN SANTABARBARA: Okay.

24 CHAIRWOMAN KRUEGER: Thank you.

1 ASSEMBLYMAN BRONSON: Thank you.

2 Next up will be Assemblymember
3 Smullen.

4 ASSEMBLYMAN SMULLEN: Thank you very
5 much.

6 I've got some questions for the
7 commissioner from the Department of
8 Civil Service, regarding this migrant memo.
9 To me, it's very unbelievable in many ways.

10 The background of the memo says that
11 Governor Hochul has taken several steps to
12 address the migrant crisis, including
13 identifying more than 18,000 job openings
14 with hundreds of employers who are willing to
15 hire migrants and asylum seekers with legal
16 work status in the United States.

17 The Governor's also looking for state
18 agencies to participate in this effort.
19 Agencies have identified 4,000 positions,
20 entry-level titles that can potentially be
21 filled.

22 And the proposed solution is to help
23 state agencies address the employment
24 barriers faced by migrants and asylum

1 seekers. The Division of Classification &
2 Compensation will create positions in, quote,
3 transitional titles with requirements in line
4 with the candidate's qualifications.

5 It goes on to say that appointments
6 will be temporary but once they obtain the
7 required qualifications, are reachable on an
8 appropriate "eligible" list, and if their
9 work performance has been satisfactory,
10 agencies may appoint them to the target
11 titles.

12 So what you're saying is that
13 asylum seekers who have not had their cases
14 adjudicated in federal court could become
15 state employees with all of the benefits,
16 including all the retirement benefits that
17 they would obtain before they have even had
18 their initial or their case actually settled
19 in federal court.

20 DCS COMMISSIONER HOGUES: So what
21 we're saying is anyone eligible to work in
22 New York State has this opportunity, not just
23 the migrant workforce.

24 And so once again, I will reiterate

1 that this is nothing different from programs
2 that we've had in the past. And I also want
3 to reiterate that this is open to all
4 interested parties that want to take part --

5 ASSEMBLYMAN SMULLEN: I get it. I get
6 the HELPS program for --

7 DCS COMMISSIONER HOGUES: This isn't
8 the HELPS --

9 ASSEMBLYMAN SMULLEN: I know it's not.
10 I know it's not. I've been listening very
11 carefully. I've been listening to your
12 testimony and your written testimony, which
13 mentioned nothing about this.

14 And this is what's disturbing, is that
15 we're here to talk about the budget for this
16 year -- not the budget for last year, where
17 we spent more than \$2 billion on illegal
18 immigrants. This year we're going to spend
19 \$2.5 billion on migrants.

20 And here's what actually federal
21 immigration law determines -- migrant is not
22 a word in the federal lexicon, which is
23 actually the governing authority for
24 immigration in New York State and all of the

1 states. It has to be. An immigrant is any
2 person lawfully in the United States who is
3 not a U.S. citizen, U.S. national or person
4 admitted under a non-immigrant category as
5 defined by the Immigration and Nationality
6 Act.

7 And I've got just a few seconds. What
8 we're proposing here is to give people who
9 don't have that status the ability to collect
10 a New York State pension -- or accrue
11 benefits and then collect a New York State
12 pension. Is that -- is that true?

13 DCS COMMISSIONER HOGUES: So obviously
14 it's a statement, and we can follow up,
15 because I don't have enough time to --

16 ASSEMBLYMAN SMULLEN: Yeah, please do.
17 Because this is bad policy. We don't want
18 bad policy in this slippery slope area. You
19 know, this --

20 CHAIRWOMAN KRUEGER: Thank you very
21 much.

22 ASSEMBLYMAN SMULLEN: -- has to be
23 considered very carefully.

24 CHAIRWOMAN KRUEGER: Your time is up.

1 Thank you.

2 DCS COMMISSIONER HOGUES: Thank you.

3 ASSEMBLYMAN SMULLEN: Thank you.

4 ASSEMBLYMAN BRONSON: Thank you, and
5 I'll take my second rounds of questions.

6 This is for you, Commissioner Reardon.

7 You know, the whole wage-theft issue is
8 concerning to me. We know that there are a
9 lot of bad actors out there. We know we need
10 to protect those workers. But at the same
11 time, you look at the labor law and you look
12 at the penal law defining wage theft and
13 larceny, in each one of those areas it talks
14 about the failure to pay wages. Not the
15 failure to pay on a frequency basis or not
16 the failure to pay on time, it's the failure
17 to pay the wages.

18 We also know that we put penalties in
19 place to incentivize employers not to break
20 the law, but also to have attorneys to reach
21 out and help you with your job to find out if
22 there's wage theft going on.

23 So I'm very torn by the approach of
24 getting rid of the liquidated damages. But

1 even if we go there, even if we go there,
2 what steps are you going to take as an agency
3 to correct the behavior? We have that weekly
4 pay for a reason. It's cash flow in the
5 household. That's why we have it there.

6 So what -- if the Governor gets what
7 she wants, what will the agency do to try to
8 make sure these employers do the right thing
9 and pay on time?

10 DOL COMMISSIONER REARDON: It's an
11 interesting question. Most of the attention
12 that this area has had in the agency for the
13 last couple of years has been because of
14 these lawsuits. Occasionally people will say
15 I'm not being paid correctly, and we'll
16 investigate it and make a decision and
17 they'll either pay weekly or biweekly,
18 whatever the law applies to them.

19 But it has not been a big problem.
20 The big problem was that it was seen as a
21 windfall because of the liquidated damages.
22 So, you know, they're actually kind of two
23 separate questions.

24 ASSEMBLYMAN BRONSON: They're not

1 really two separate questions. Because your
2 agency wouldn't know about the wage frequency
3 payment violation, you wouldn't know about
4 that without attorneys seeking that out.

5 So -- and we have a policy. We want
6 manual laborers to get paid every week. And
7 we do that because of cash flow in the
8 household. So if you take away the incentive
9 for attorneys to go out there and try to
10 enforce the law through lawsuits, I think
11 we're going to create a problem there. So
12 that's one piece of it.

13 The other piece is keep in mind, we
14 changed sexual harassment laws and other
15 harassment laws to issue attorneys fees, so
16 attorneys would take on those cases. And
17 we're kind of doing the opposite policy here.

18 So, you know, I don't know the answer.
19 I'm just posing that we need attorneys to be
20 a part of this.

21 DOL COMMISSIONER REARDON: So we
22 should have a conversation. This is -- yeah.
23 Let's talk about it.

24 ASSEMBLYMAN BRONSON: Thank you.

1 CHAIRWOMAN KRUEGER: (Mic off;
2 inaudible.)

3 ASSEMBLYWOMAN PHEFFER AMATO: Okay,
4 good. Okay, thanks. Just quick.

5 Commissioner, on the 55-b and the 55-c
6 programs, you said the b plan is doing pretty
7 well in the changes that we made last year.
8 55-c is for veterans.

9 DCS COMMISSIONER HOGUES: Yes.

10 ASSEMBLYWOMAN PHEFFER AMATO: What are
11 the challenges there that we're not
12 fulfilling or filling, the amount of people
13 that we could hire under that program?

14 DCS COMMISSIONER HOGUES: Yeah, so
15 55-c has a max of 500 slots allotted to it,
16 and we're -- so we have increased since I've
17 been here, but it's still not performing to
18 the rate that the 55-b is. And so there is
19 actually a little over a hundred slots that
20 are filled.

21 And so we are -- we continue to work
22 with Chief Disability Officer Kim Hill. We
23 believe that her DREAM Events are bringing
24 and highlighting the opportunities that are

1 available.

2 And so we look forward to this
3 opportunity to continue to promote and work
4 with the population, as well as working with
5 Commissioner DeCohen for veterans, and to,
6 like, collaborate on some of the career fairs
7 that we've had to really target that
8 population and see why they have not accessed
9 state government as an option for employment.

10 But also with the HELPS program and
11 our marketing campaign, we're really going to
12 focus on the population as well. And we have
13 to review our 55-b and -c requirement for
14 individuals to qualify for the program and
15 see if there are barriers that are inherent
16 to that qualification process, to streamline
17 that as well.

18 ASSEMBLYWOMAN PHEFFER AMATO: Right.
19 Because as we discussed, you know, in this
20 state, unfortunately, you have to
21 self-identify, and the agencies actually have
22 legislation -- not that I'm promoting myself
23 here, but legislation to have the agencies
24 speak to each other so if a veteran's

1 identified in housing, it would come to you.

2 So not that I want to tell you how to
3 do your job today, but when we're doing the
4 marketing, I think it is a hard group to
5 reach. And being that we have 400 slots
6 open -- and I just heard you say it, that we
7 can market specifically to our veterans and
8 make sure, either with advertisements within
9 our veteran home areas that we know, and our
10 CBOs that they identify just in that specific
11 area. Because I believe once they're halfway
12 in that door, the HELPS program or something
13 will work, because I can hear from all of you
14 that your goal of course is to hire. And
15 certainly we want to hire our veterans.

16 But I would love to be able to, you
17 know, work with you closer to figure out how
18 to get those slots or what we can collaborate
19 together, because it's just a good
20 opportunity.

21 DCS COMMISSIONER HOGUES: Yeah.

22 ASSEMBLYWOMAN PHEFFER AMATO: So thank
23 you. Yes?

24 DOL COMMISSIONER REARDON: We have

1 dedicated career counselors in the
2 Career Centers who are veterans who work with
3 this population. So I'm going to work with
4 my friend Tim to make sure that we have a
5 robust referral process as well.

6 ASSEMBLYWOMAN PHEFFER AMATO: Well,
7 when you talk about coming to the district, I
8 think that's great to say on these job fairs,
9 and be able to specifically say --

10 DOL COMMISSIONER REARDON: Yes. Yes.

11 ASSEMBLYWOMAN PHEFFER AMATO: -- and
12 for our veterans.

13 You know, again, one thing we talk
14 about in the state is that our veterans are
15 all different ages, you know, they're not
16 just what we think about the nice guy with
17 the little poppy seed, you know.

18 So again, I look forward to working
19 with both of you in this area. Thank you so
20 much for all your testimony today.

21 CHAIRWOMAN KRUEGER: All right, I
22 think we've gotten through all of our
23 Senators and Assemblymembers for the three of
24 you. Thank you very much for being with us

1 here today. I think some of you have some
2 follow-up answers to get to us. If you'd
3 please get them to both the Assembly Ways and
4 Means and to Senate Finance, we'll make sure
5 all the legislators get copies of your
6 answers.

7 And with that, I'm going to excuse
8 you, thank you.

9 ASSEMBLYMAN BRONSON: Thank you.

10 CHAIRWOMAN KRUEGER: Go back to your
11 agencies and work. Well, all right, maybe
12 not, it's 6 o'clock. It's up to you, I
13 guess, it's 6 o'clock.

14 I'd like to call up Panel A: Retired
15 Public Employees Association; Organization of
16 New York State Management Confidential
17 Employees Association; CSEA Local 1000,
18 AFSCME; and New York State Public Employees
19 Federation.

20 I will ask everyone to take their
21 conversations out in the hall so that we can
22 continue with the next panel.

23 And I will also introduce -- and we've
24 been joined by I think Senator Rhoads,

1 Senator Chu, Senator Mayer. I think that's
2 the new Senators so far.

3 I don't know if there are any new
4 Assemblymembers.

5 ASSEMBLYMAN BRONSON: No.

6 (Off the record.)

7 CHAIRWOMAN KRUEGER: Good evening,
8 everyone. Thanks for being with us. Thanks
9 for waiting -- well, not that long, because
10 you knew we weren't starting the 2 o'clock at
11 2 o'clock. You are all old hats at dealing
12 with the Legislature.

13 So nice to see you all. Why don't we
14 start with the Retired Public Employees
15 Association. Good evening.

16 MR. FARRELL: Thank you,
17 Chairwoman Krueger, other members of the
18 fiscal committees, honorary chairs. I'm
19 Ed Farrell. I'm the executive director.
20 It's an honor to be here, almost this
21 evening.

22 RPEA, there's roughly 500,000 retirees
23 in the State and Local Retirement System.
24 And contrary to public opinion, 80 percent of

1 those retirees stay here in New York. So you
2 know who we are. We're in your districts.
3 You see us all the time.

4 I have three priorities I want to talk
5 about. The first one is the COLA, the
6 cost-of-living increase for the pension.
7 This is not part of the Executive Budget
8 proposal for this year, but it is something
9 that we hope you will act upon this year,
10 because there is a lag involved in
11 implementing it.

12 Just a bit of background: 23 years
13 ago, when the cost of living was implemented,
14 it was never a true COLA. It was only half a
15 COLA. You would get 50 percent of the COLA,
16 it could never be higher than 3 percent, nor
17 lower than 1 percent. And that formula's
18 never been changed. So for 23 years, it's
19 gone unchanged.

20 Right now we have an excellent
21 proposal that Senator Jackson, Assemblywoman
22 Pheffer Amato have sponsored on behalf of the
23 retirees. And something different -- it
24 contains a catch-up provision. A lot of our

1 bill this session, because it has an
2 effective date of next year. And the reason
3 it takes effect a year after the fact is,
4 one, the Comptroller needs the opportunity to
5 go back and recompute all 23 years' worth of
6 formula calculations for those who are
7 eligible. And two, if the bill were to pass
8 next year and it were not to be transmitted
9 to the Governor quickly, we would never meet
10 the September deadline to get it implemented.

11 So we want you to do that. There are
12 two other proposals I'll talk about quickly.
13 These are both budget issues --

14 CHAIRWOMAN KRUEGER: I'm sorry, I have
15 to cut you off.

16 MR. FARRELL: Okay.

17 CHAIRWOMAN KRUEGER: Maybe somebody in
18 their questions will ask you about it. Thank
19 you very much.

20 MR. FARRELL: I thank you for the
21 opportunity.

22 CHAIRWOMAN KRUEGER: Appreciate it,
23 thank you.

24 Organization of New York State

1 Management Confidential Employees,

2 Barbara Zaron. Good evening.

3 MS. ZARON: (Mic off; inaudible.)

4 ASSEMBLYWOMAN PHEFFER AMATO: Is your
5 mic on?

6 CHAIRWOMAN KRUEGER: Your mic is not
7 on, Barbara. You have to press till it's --
8 there we go.

9 MS. ZARON: Oh, sorry.

10 CHAIRWOMAN KRUEGER: That's okay.

11 MS. ZARON: Good evening, everybody.
12 I'm grateful for the opportunity to speak
13 with you. I'll try to cover a couple of
14 things quickly.

15 There are three proposals in the
16 Governor's budget that I want to mention
17 related to the workforce. One is removing
18 educational barriers, meaning taking away the
19 college degree requirement for certain jobs.
20 We're not opposed to that, but it needs to be
21 done on a case-by-case basis, not a blanket
22 exemption.

23 Eliminating the lag payroll and salary
24 withholding for new hires is something that

1 we support.

2 And eliminating the subsidy for
3 Medicare Part B IRMAA, we're absolutely
4 opposed to, as we have been every year in the
5 past when this has been proposed.

6 We have an issue of continuing concern
7 that is agencies continue to seek
8 classification of additional positions in the
9 exempt and non-competitive jurisdictional
10 class to avoid the use of competitive class
11 positions. Our concerns include the fact
12 that this ignores the constitutional
13 requirement of the merit system based on
14 competitive examination. The exempt
15 positions may be paid without regard to the
16 state's statutory compensation plan, and such
17 positions may lack basic civil service job
18 protections and union representation, which
19 are two things that we're concerned about for
20 our workforce. We believe we need to reduce
21 the use of exempt and non-competitive
22 classification for the jobs that should be in
23 the competitive class.

24 And let me rush off to the HELP

1 program, which had a good deal of discussion
2 already. We do have some concerns about the
3 HELP program. And as I listened to the
4 discussion earlier, I said, oh, my goodness,
5 they're some of the same things as we're
6 concerned about. We seem to be on the other
7 side of the folks who were speaking.

8 But placing a position in the
9 non-competitive class requires a finding that
10 it's not practicable to determine merit and
11 fitness by competitive exam. Some people
12 tend to say, Well, I'm having trouble
13 recruiting people, so I need to have a
14 non-competitive classification. That's not
15 what we're talking about. Suspension of open
16 competitive exams, which is another feature
17 sometimes, is problematic.

18 Oops, sorry.

19 CHAIRWOMAN KRUEGER: Thank you very
20 much. Appreciate it.

21 Next we have CSEA Local 1000, AFSCME,
22 Joshua Terry.

23 MR. TERRY: Great. Thank you all.
24 It's good to see everybody.

1 Chairman Bronson, welcome. Glad to
2 see you up there in a different role.

3 I'll start off tonight as I started
4 off last year. We are in a public-sector
5 staffing crisis. We are still in that
6 crisis. Since 2012 -- and these are numbers
7 I used last year, and they have not changed
8 -- we lost 17,000 FTEs since 2012 on the
9 state side, all while spending over \$1
10 billion in overtime last year alone. We've
11 lost 28,000 positions in local governments.

12 We've worked with the Legislature. We
13 are thankful for what we've done in the last
14 year. We've waived civil service exam fees,
15 we're going to better promote civil service
16 exams, we're doing continuous recruitment,
17 we're doing a lot. But we need to do more.

18 So what can we do? You know, this was
19 not under the purview of Commissioner Hogue,
20 but it is under your purview: Tier 6 reform.
21 That is the top of our list. We need to make
22 a change this year. We are not asking for
23 everything, but we need to advance our
24 agenda. We need to make some reforms,

1 contributions. We can look at final average
2 salary, the calculation of the pension at
3 20 years. We have a number of options that
4 we can work on.

5 And this is a recruitment tool; it's
6 also a retention tool.

7 We are supportive of the New York --
8 the HELPS program. It is bringing people in.
9 It's temporary. We view it as temporary.
10 But we are very supportive of it.

11 We support the Governor's proposal in
12 Part Q to eliminate the five-day withholding
13 and the ability to negotiate the lag payroll.
14 I testified to this at the hearing in October
15 with Senator Jackson, that Senator Jackson
16 held here; I was about two seats over when I
17 said it. We need to eliminate barriers to
18 public employment, and that is nothing but a
19 barrier. That is nothing but a deterrent for
20 people coming in.

21 We are opposed to the closure of five
22 Department of Corrections facilities with
23 only 90 days' notice. We can have a policy
24 debate on whether correctional facilities or

1 any state institution should be an economic
2 driver, whether that should be an economic
3 development program for a county or a region.
4 That's a worthy debate. But the fact is, is
5 they are. In rural parts of our state --
6 Franklin County, go up to Washington County,
7 Essex County. That is economic development.

8 And to close a facility with 90 days'
9 notice -- only 90 days' notice -- rather than
10 the one-year requirement in law is a
11 disservice to the communities themselves that
12 cannot plan for it appropriately, to the
13 families and our members that work there,
14 that are going to have to make a decision on
15 what they're doing next, with only three
16 months' notice.

17 The Governor can close these
18 facilities at any point. We want the
19 one-year notice respected.

20 And as I said last year, to close out,
21 I'm missing Taco Tuesday again with my family
22 this year to be here, and they're watching at
23 home. So hello to my kiddos again.

24 (Laughter.)

1 CHAIRWOMAN KRUEGER: Thank you. Hi,
2 how are you?

3 MS. DiANTONIO: Good evening.

4 CHAIRWOMAN KRUEGER: Public Employees
5 Federation, nice to see you.

6 MS. DiANTONIO: Nice to see you too.

7 So good evening, Senator Krueger,
8 Assemblyman Bronson -- I'm so glad to see
9 you -- and to all the other members of the
10 Legislature. I'm Randi DiAntonio. I am one
11 of the vice presidents of the New York State
12 Public Employees Federation, and I chair the
13 PEF Statewide Political Action Committee.

14 So the decimation we've seen in the
15 state workforce is nothing new. It's a
16 result of a decade of neglect by the former
17 governor. So first off, I need to thank
18 Governor Hochul and each and every one of you
19 for enacting so many reforms last year that
20 have helped start get us back on track.

21 These reforms have come online, they
22 are making a difference, but none of them are
23 making a difference quickly enough. We are
24 very supportive of many of the Governor's

1 proposed actions this year -- ending the lag
2 payroll salary withholding program,
3 increasing mental health beds, expanding
4 wage-theft enforcement, and the plan to hire
5 more than 12,000 staff by the end of this
6 fiscal year. That's a lofty goal. And
7 unfortunately, despite all the efforts that
8 were discussed earlier, the state remains
9 unable to attract and, more importantly,
10 retain the staff it needs to deliver
11 services.

12 This is evidenced by the continued
13 closure of group homes across the state at
14 OPWDD; the proposed closings of state
15 correctional facilities without a clear plan,
16 in a quick fashion; the challenges around
17 wage theft and enforcement responsibilities;
18 and the fact that state employees have worked
19 more than 22 million hours of overtime at a
20 cost of \$1.35 billion. According to
21 Comptroller DiNapoli's report, the state lost
22 more than 10,000 staff to attrition in 2022.
23 That's a 41 percent increase over 2020.
24 These are not retirement-related departures,

1 so it's really critical that that's
2 recognized.

3 The million-dollar question is how do
4 we encourage people not only to join state
5 service but to stay. Getting new hires in
6 the door is definitely improving in some
7 agencies and in some areas. We still have
8 rural challenges, we still have other areas
9 and agencies that cannot hire.

10 Keeping them, however, is not as easy.
11 We hear from our members they can earn more
12 in the private sector, they can remote work,
13 they get treated better. Our members are
14 frustrated. Good example, our licensed
15 social workers, our auditors. They are not
16 being paid at a level that makes them want to
17 stay. We have hundreds of vacancies. These
18 are folks who take care of our most
19 vulnerable and who enforce the state's tax
20 laws. That's just one example. We have
21 many, many others.

22 Fortunately, there are a lot of
23 solutions. Fixing Tier 6, that is important.
24 We will -- we have many different ideas about

1 second round. Sorry about that.

2 SENATOR JACKSON: First let me thank
3 you all for coming in. It's important to
4 hear from you, the representatives of the
5 workforce in the State of New York, at least
6 the majority of the workforce.

7 So Ed, you had mentioned you wanted to
8 say something when your time was up. Please
9 say it now so everybody can hear you.

10 MR. FARRELL: Certainly.

11 I was going to mention there are two
12 issues in the testimony that are part of this
13 year's Executive Budget that we want you to
14 act upon. One has to do with the fact that
15 Medicare primary enrollees in the Empire Plan
16 lose access to a benefit for skilled nursing
17 facilities upon turning age 65. The Empire
18 Plan provides nothing. If you're under 65,
19 you get 120 days. If you're over age 65, you
20 get zero. You get the Medicare benefit,
21 which is only 20 days.

22 The second issue is what you had
23 referred to earlier, which is the IRMAA
24 proposal. That has been around before.

1 Thankfully the Legislature has been
2 supportive and has rejected that in the past.

3 Now, let me just say what the
4 commissioner had said earlier. It is a
5 federal requirement what those brackets are,
6 what you talked about. But it is in state
7 law that it be reimbursed.

8 SENATOR JACKSON: That's right.

9 MR. FARRELL: And what the Governor is
10 proposing is to change state law.

11 SENATOR JACKSON: Thank you.

12 Barbara, please tell me -- you wanted
13 to say something before you got called off.

14 MS. ZARON: I'm sorry?

15 SENATOR JACKSON: You wanted to say
16 something before you got called off by the
17 machine. So please.

18 MS. ZARON: I -- it's too long. I'll
19 just reiterate what Ed is saying, that the
20 IRMAA reimbursement we believe should be
21 maintained.

22 SENATOR JACKSON: Right. I'm clear on
23 that. That's why I asked the commissioner
24 how many retirees do we have in New York

1 State. Because all of those will be impacted
2 by it.

3 So let me turn to PEF --

4 MS. ZARON: You have 500,000
5 something.

6 SENATOR JACKSON: Well, Randi, can you
7 tell me -- want to finish what you were
8 speaking about there?

9 MS. DiANTONIO: Yeah. I mean, look --

10 SENATOR JACKSON: Ed, can you turn off
11 your mic, please? Barbara, can you turn off
12 your mic? Thank you. Go ahead.

13 MS. DiANTONIO: I mean, I think the
14 reality is we have to look at the employee
15 experience. Right? How people are being
16 brought on is one part of it, but how they're
17 treated once they get there is an important
18 part.

19 Under the former governor, they
20 decentralized a lot of human services,
21 business, payroll. People experience being
22 at work differently than they used to. They
23 can't get their problems solved. They can't
24 get their questions answered. We need real

1 turnaround on these issues for people when
2 they come in, because people get really
3 frustrated within the first year that they're
4 working because they don't have equipment,
5 they're not being trained properly. They
6 leave because they don't feel the support
7 that the need. And that historically has not
8 been the way we did business.

9 SENATOR JACKSON: Joshua, the last 15
10 seconds. Go ahead, you have 13 seconds.

11 MR. TERRY: What do you want? I said
12 all my -- I said my piece.

13 SENATOR JACKSON: You're good?

14 MR. TERRY: I'm good.

15 (Laughter.)

16 SENATOR JACKSON: All right. I just
17 wanted to make sure everyone had an
18 opportunity to finish up. And I'm finished
19 also.

20 Thank you for coming in. We
21 appreciate you. We need you to be partners
22 in this.

23 Thank you.

24 CHAIRWOMAN KRUEGER: Thank you.

1 Assembly.

2 ASSEMBLYMAN BRONSON: Yes,

3 Assemblymember Ra.

4 ASSEMBLYMAN RA: Thank you.

5 So, Mr. Terry, so you guys represent
6 the civilian employees of the prisons,
7 correct?

8 MR. TERRY: Correct.

9 ASSEMBLYMAN RA: So how many members
10 is that?

11 MR. TERRY: I think it's roughly three
12 to four thousand.

13 ASSEMBLYMAN RA: Okay. And --

14 MR. TERRY: Statewide.

15 ASSEMBLYMAN RA: And you talked about
16 earlier, you know, the impact that this
17 abbreviated time frame would have on them
18 with the prison closures. Unfortunately,
19 we've been through this a number of times
20 before. So can you elaborate on the impact
21 it has had on that membership when there's
22 been a closure?

23 MR. TERRY: Yeah. I mean absolutely.

24 When these facilities close, there is

1 not always another facility close by, right,
2 within a reasonable drive. And, you know,
3 when you're suddenly looking at the option of
4 keeping your job but driving 90 minutes --
5 and this isn't a, you know, a New York City
6 90 minutes where you're going eight miles,
7 maybe. This is through rugged terrain in the
8 North Country or, you know, where it might
9 be.

10 I mean, that's a real drive. And
11 that's a real impact. So you're making some
12 pretty hard decisions on whether you can
13 continue in state service or not based on
14 that.

15 I mean, I think that puts an undue
16 strain on our workforce, on their families --
17 getting pulled out of schools, moving to a
18 new area. And I think just disregarding the
19 one-year notice that was put in very
20 intentionally by the Legislature and a
21 Governor and just ignoring it every time I
22 think is a disservice to everybody involved
23 in this process.

24 ASSEMBLYMAN RA: And thank you for

1 that. Because, you know, you just mentioned
2 schools. Like a perfect example of things --
3 you know, if you're making this decision and
4 you have a year, it's still not ideal but,
5 you know, you may have more of an opportunity
6 to consider all of these different things a
7 family needs to consider when making that
8 type of decision that may include moving
9 closer to another facility.

10 So I think that three-month time
11 period just is not sufficient for a family to
12 have to, you know, deal with something like
13 this. So thank you.

14 CHAIRWOMAN KRUEGER: Thank you.

15 Also for three minutes, Labor Chair
16 Senator Ramos.

17 SENATOR RAMOS: Thank you,
18 Chair Krueger.

19 My question's going to be for Randi.

20 You know, we heard from the DOL about
21 the significant need for investigators. In
22 fact, the commissioner said that there are
23 500 open lines currently. What do you
24 believe are the roadblocks?

1 I know you talked a little bit about
2 that during your testimony. But do you
3 believe the open positions are being offered
4 at a competitive enough rate? And how would
5 a dedicated funding stream for enforcement
6 impact your workforce?

7 MS. DiANTONIO: Well, no, I don't
8 think that they're being paid at a
9 competitive rate. And we know that DOL has
10 been -- this has been a slow bleed. You
11 know, we have 21 percent less workers at the
12 Department of Labor than we did 10 years ago.
13 So people leave, and they're not filling
14 those positions. The impact on New Yorkers
15 is huge.

16 I think it's incredibly important --
17 and I know that there's legislation that has
18 been put forward to create a mechanism to
19 fund the DOL by making sure we fine those bad
20 actors. And we know not every employer's a
21 bad actor, but making sure that those funds
22 that are raised, those fines, are rededicated
23 back to the Department of Labor to fund wage
24 enforcement.

1 It's not okay that New Yorkers are
2 being treated badly not getting paid, but
3 it's also not okay to set up the wage
4 inspectors to not be able to get the work
5 done. And they're not being supported or
6 funded or resourced right now to get that
7 work done. And I think, you know, creating a
8 mechanism to do that is going to be
9 incredibly important moving forward.

10 SENATOR RAMOS: Well, thank you.
11 Thank you to your union for working with me
12 on that bill.

13 MS. DiANTONIO: And thank you.

14 SENATOR RAMOS: I think a lot of the
15 other work that we need to do is around
16 addressing workplace bullying. We know that
17 our remote workers tend to feel more
18 comfortable reporting the workplace bullying
19 that they seem to be suffering. And I'm
20 wondering if you guys have ideas about how we
21 can better educate management about how to
22 handle these situations.

23 MS. DiANTONIO: Well, I think one of
24 the things that happens is people are very

1 fearful of retaliation. So, you know, when
2 you report bullying and you're the one whose
3 worksite is moved or you're the one whose job
4 duties change or you're the one whose
5 schedule's changed, that puts a chilling
6 effect on everyone else who might be
7 thinking about talking about a problem in the
8 workplace.

9 So if we're going to train -- and
10 everybody needs training. If we're going to
11 train managers, it's also about how to
12 respond in a way that's supportive. We know
13 that there's an investigations process and
14 everything is not, you know, one side is the
15 whole truth and nothing but, you know, that
16 things have to be looked into. But we have
17 to be able to support workers coming forward
18 and talking about the issues that make them
19 want to leave the workforce.

20 And bullying is one of those issues.
21 We have members who come to work, they're
22 scared, they cry, they're sick to their
23 stomach. That's not okay. That is not
24 somebody who's going to stay employed with

1 the State of New York. They will go
2 elsewhere.

3 SENATOR RAMOS: Thank you.

4 CHAIRWOMAN KRUEGER: Thank you.
5 Assembly.

6 ASSEMBLYMAN BRONSON: Yes,
7 Assemblymember Pheffer Amato.

8 ASSEMBLYWOMAN PHEFFER AMATO: Good
9 evening, I think it is.

10 Mr. Terry, you alluded to it talking
11 about the modernization and the fee waiving
12 pilot program we put in last year's budget.
13 And you went over, and I'm sorry that you
14 missed Taco Tuesday, and next year I would
15 like to be invited. I get that.

16 But what -- are you finding these
17 measures to have been effective in recruiting
18 more employees to public service, or just
19 not -- you know, just give some more detail
20 into that.

21 MR. TERRY: Yeah, no, thank you,
22 Assemblywoman. And thank you for your
23 leadership on these issues last year.

24 I think it's probably too early to say

1 whether they're working. I mean, we have --
2 there's a few things that we know are
3 working. The hiring freeze is gone;
4 Governor Hochul's lifted that. We know there
5 are additional FTEs -- Randi alluded to
6 this -- 12,000 additional in this budget.
7 But it's bringing people in the door and
8 making them stay.

9 So how -- so we're bringing, I think,
10 bodies in, but we still have churn. We still
11 have turnover in some of our positions,
12 especially in direct care, of 25, 30,
13 35 percent. How do we keep them employed?
14 How do we want them to come back? And I
15 think part of that is looking at the benefits
16 structure and looking at things like Tier 6
17 and creating an incentive and creating a
18 career ladder for people to work through.

19 You know, I think working on things
20 like the -- waiving the civil service exam
21 fees has been great. The NY HELPS program
22 brought in 7,000 employees statewide. That
23 is tremendous. We're very supportive of
24 expanding it to local governments tomorrow,

1 as a temporary measure. We are on board with
2 doing all this.

3 But, I mean, I think it's -- you know,
4 we've just started rolling out the advisories
5 on the tests, where we're notifying
6 high schools and the BOCES programs and the
7 community-based organizations. I mean, I
8 hope that we can see over the next year that
9 this is really starting to bear fruit and
10 that we can really see both an increase in
11 applicants but also a steadying of the
12 retention rate. Or an increasing of the
13 higher retention rate.

14 ASSEMBLYWOMAN PHEFFER AMATO: And then
15 that's what Randi said, you know, how do we
16 retain them. Right? Because we can get a
17 thousand in the door, but in that first year
18 if it's not working out, then they're out the
19 door the same way, so we're only retaining a
20 certain percentage.

21 So then where do you see the worst
22 staffing shortages? Or where is that area
23 that just (gesturing)?

24 MS. DiANTONIO: Are you talking to me?

1 ASSEMBLYWOMAN PHEFFER AMATO: Either.
2 Jump in. Anybody?

3 MS. DiANTONIO: I mean, I think many
4 of our agencies are really struggling with
5 getting workers in. You know, as my
6 colleague alluded to, the direct-care
7 workforce is definitely being hit the
8 hardest. Our healthcare workforce. I mean,
9 these are the things we notice the most
10 because they affect the most New Yorkers.

11 So, you know, the wait times, the
12 waiting lists. I think our O agencies have
13 really struggled. You know, with the onset
14 of telehealth and telemed, many medical
15 professionals can not only work elsewhere,
16 they can get paid higher amounts of money,
17 they can remote work. There's all sorts of
18 other options that the state hasn't really
19 pursued as much.

20 ASSEMBLYWOMAN PHEFFER AMATO: Thank
21 you very much.

22 CHAIRWOMAN KRUEGER: Thank you.

23 Senator Mattera.

24 SENATOR MATTERA: Thank you, Chair.

1 And thank you so much for everybody's
2 testimony here today.

3 And this is a question to CSEA, you
4 know, Joshua, and to Randi from PEF. I thank
5 you so much for caring about all the
6 hardworking men and women of labor, to make
7 sure that they receive a decent wage, a
8 decent healthcare, and a decent pension.

9 I don't know if you listened to me
10 before asking the question to
11 Commissioner Reardon about the unemployment
12 rate that we have here in New York State of
13 4.5 percent unemployment rate, which comes
14 out to be 214,000 New Yorkers, taxpayers,
15 that don't have jobs right now.

16 What could you do, both CSEA and PEF,
17 do to help -- in other words, we need
18 workers -- to help educate and to get our
19 New Yorkers back to work? I am asking you --
20 these are people that could have great-paying
21 jobs, have pensions. We need to make sure
22 that we get our New Yorkers back to work, the
23 taxpayers of New York first.

24 Is there anything that you guys could

1 do to help with this?

2 MR. TERRY: Yeah, Senator, I mean it's
3 a great question. I appreciate your -- as a
4 labor leader yourself, I appreciate your
5 advocacy on this.

6 We could take those -- we could
7 probably take a whole district of unemployed
8 people in New York State, in your district or
9 anybody's district, we could get them to work
10 in New York State tomorrow, for New York
11 State government or a local government. I
12 mean, there are that many vacancies that we
13 have within our direct-care titles, within --
14 we have 911 dispatch all over the state,
15 right? We can't keep caseworkers. There are
16 jobs available.

17 So what we've been doing, and we've
18 partnered with the Department of
19 Civil Service, the Department of Labor, to do
20 these job fairs to promote not just the jobs
21 themselves, but the union benefits that you
22 get with it. And I think when people start
23 seeing how do we connect -- it's not just a
24 job. I mean, this is your -- this could be

1 your career, this is your life going forward.
2 Your health insurance, right, you get college
3 benefits, you know, benefits for your family.
4 And that's really important.

5 So I think we're trying to do a better
6 job ourselves of connecting the dots from the
7 jobs into the union benefits and then getting
8 people in the door.

9 SENATOR MATTERA: Great.

10 And, Randi, can you answer that also
11 too, please? Because I only got -- I have
12 one more question.

13 MS. DiANTONIO: Yeah, sure.

14 I mean, everything Josh said I
15 one hundred percent agree with. I think
16 there's also something missing here as far as
17 our outreach and what people know about
18 public service. We sort of always expect --
19 expected people to always come into
20 government work, and it used to be
21 civil service, get a good job --

22 SENATOR MATTERA: I have 31 seconds.

23 I organized the unorganized. Good union
24 paying jobs, a decent wage with decent

1 healthcare and a decent --

2 MS. DiANTONIO: Listen, we got to
3 teach our kids about this stuff.

4 SENATOR MATTERA: Exactly. But guess
5 that, that's what we need to do to make sure
6 we get the Department of Labor, please, to
7 help with this. Healthcare workers, they
8 lost their jobs during COVID. How are they?
9 Were they taken care of? What happened with
10 the situation? This is very, very important
11 that there's too many healthcare workers lost
12 their jobs because of the COVID. They were
13 there for our families. They were our
14 heroes, then they went to zeroes, but they're
15 always going to be our heroes. Did they get
16 compensated in any way?

17 MR. TERRY: Can we talk about that
18 offline? Because I think we could have a
19 broader discussion about it.

20 CHAIRWOMAN KRUEGER: You're going to
21 have to.

22 We wouldn't mind if you actually
23 answered to all of us in writing so that all
24 the members can see. So if you send letters

1 to Ways and Means and to Finance, we'll all
2 share the information. Thank you.

3 Okay, Assembly.

4 ASSEMBLYMAN BRONSON: Yes, the next
5 questioner is Assemblymember DeStefano.

6 ASSEMBLYMAN DeSTEFANO: Thank you,
7 Chair Bronson. And good evening, everyone.

8 Randi, I guess I'll start with you.
9 Starting salaries, I think that's been part
10 of the problem over the years for every time
11 we sat here and talked about that. Do you
12 still believe that that's part of the problem
13 in getting people to the workforce as far as
14 public employment?

15 MS. DiANTONIO: For many of our
16 titles, we have many titles that have
17 advanced degrees that the private sector pays
18 a lot more. The balance was the pension and
19 the health benefits and all of those things.
20 And as that has diminished, we can't -- we
21 cannot compete. I mean, a lot of our titles
22 are attorneys, engineers. You know, we
23 really need to look at those salaries and
24 raise them. They have not been looked at, in

1 many cases, for decades.

2 ASSEMBLYMAN DeSTEFANO: Right. And
3 that's kind of like where I was leading into,
4 is like so what are we going to do to try and
5 entice these people to come into the
6 workforce as a public servant, as opposed --

7 MS. DiANTONIO: Fix Tier 6.

8 ASSEMBLYMAN DeSTEFANO: Well, I was
9 going to get to that. I was going to ask
10 Josh that question, but I'll go with you.

11 Josh, I was going to say, before we
12 get to the Tier 6 issue, do you have any idea
13 how many prisons have been closed in the last
14 several years in the state?

15 MR. TERRY: I want to say there was
16 over 20, but I -- 24, yeah.

17 ASSEMBLYMAN DeSTEFANO: With the
18 exception of a handful, a lot of them are
19 still empty, just so you know.

20 MR. TERRY: Correct.

21 ASSEMBLYMAN DeSTEFANO: There's going
22 to be a press conference tomorrow on the
23 Million Dollar Staircase to address that
24 issue.

1 But in Tier 6 -- and, you know,
2 anybody can answer this -- we know what the
3 issue is, we know what the problem is. We've
4 been told that there's probably not going to
5 be any fixes coming anytime soon.

6 I don't believe that. I believe that
7 the collaborative effort of everybody that
8 has a part in this can do something to fix
9 it. We've heard some of the scenarios. In
10 your opinion, what do you think we could do
11 to make this thing move along?

12 MR. TERRY: So, I mean, just to set
13 the table, right, over 60 percent of our
14 state and local government workforce now is
15 in Tier 6. I mean, we are -- we are over
16 critical mass at this point.

17 You know, I think we've talked to
18 every member here. We've talked to every
19 member of the Legislature, at least amongst
20 the AFL unions. And everybody is on board,
21 right? Everybody knows the challenges.
22 Everybody has staff that are in Tier 6 and
23 know the problems.

24 So I think we need -- we're going to

1 keep elevating it. We're going to keep
2 talking about it. I think -- listen, hope
3 springs eternal for me. I mean, I'm not
4 going to give up on reforming Tier 6 this
5 year. I think there's -- where there's a
6 will, there's a way, and I think we can try
7 to get it done.

8 ASSEMBLYMAN DeSTEFANO: So addressing
9 it that way, so you know everybody up here is
10 okay with it, you know that everybody talks
11 yes, yes, yes. Where's the pushback?

12 MR. TERRY: Well, I think there are
13 financial implications that we need to figure
14 out.

15 ASSEMBLYMAN DeSTEFANO: And that's
16 where we need to find the fixes. That's what
17 I was asking, if anybody had any ideas on
18 what is necessary to fix it. I think gradual
19 would be a good start. But who gets put in
20 first, who gets put in last? That type of
21 thing.

22 But without your encouragement to the
23 rest of us in here, you know, we keep pushing
24 the envelope because as Senator Jackson --

1 you know, Tier 6 sucks, and we all believe
2 that. So thank you for your testimony.

3 CHAIRWOMAN KRUEGER: Thank you.

4 We're back to the Senate. Senator
5 Chu.

6 SENATOR CHU: Thank you, Madam Chair.

7 First I want to thank all your members
8 for their dedication on their career to serve
9 and help to the public. And ensuring our
10 society and government can actually function
11 and provide service to every family.

12 However, I've been sitting here
13 listening, and all of you are talking about
14 how hard to -- for the hiring, for the
15 retaining. I read through the testimony --
16 I'm going to dedicate the question to PEF,
17 Randi. You mentioned that in the state we're
18 short on about 11,000 staffing, and we're all
19 aware this issue is across the breadth of our
20 agencies.

21 So is there anything -- I hear the
22 concerns, the Tier 6, the bullying, the
23 safety, and all the issues, the salaries. So
24 what exactly can you tell us, from your

1 members, what would they say is the biggest
2 challenge and hardship to keep them, to hire
3 them?

4 MS. DiANTONIO: I mean, I think, you
5 know, our members probably have a breadth of
6 different answers for that, depending on
7 where they work. But I think for most of
8 them it's pay, work/life balance, being able
9 to have advancement opportunities, making
10 sure they have a good retirement security.
11 All of those things are what keep them coming
12 in and what keep them staying.

13 I think the frustration that many
14 members will leave state service is because
15 of short staffing, they can't fulfill their
16 mission. So like I'm a social worker. We
17 have nurses, they care deeply about the
18 people they take care of, and it's incredibly
19 frustrating when they don't have enough
20 people and people are waiting for services or
21 falling through the cracks by no fault of
22 theirs, and they see diminishment in the care
23 of the people they want to serve.

24 And I think that is sort of the

1 cyclical issue that unless we figure out how
2 to keep people and get them in the door, it's
3 going to keep happening. Because the morale
4 is a major problem.

5 SENATOR CHU: Thank you.

6 CHAIRWOMAN KRUEGER: Thank you.

7 Assembly. Oh, I'm sorry, you had
8 48 seconds left. Did you want to -- okay,
9 thank you.

10 ASSEMBLYMAN BRONSON: Thank you.

11 Assemblymember Giglio.

12 ASSEMBLYWOMAN GIGLIO: Yes, I want to
13 thank you all for being here and for
14 representing the people that you are the
15 leaders of. It's very important.

16 There are nurses on Long Island right
17 now that are not reaching a contract, they're
18 getting ready to strike, which will really --
19 the hospital's one of the largest employers
20 in Long Island. And they cannot reach a
21 contractual agreement, which means that the
22 patients are going to suffer. And the
23 hospitals are really suffering as far as the
24 payments from the state for Medicaid,

1 Medicare, things of that nature, where most
2 of the hospitals are operating in the red, as
3 I'm sure you're aware.

4 And so that's one of my questions
5 about what you think that we can do to make
6 the lives of the nurses and the doctors and
7 the hospital workers, the janitors, the
8 health aides that are there, to make their
9 lives better.

10 And the programs -- I mean, we had a
11 nurse that came into work, she was fine, and
12 then she went up to the top floor and jumped
13 off the hospital roof in Long Island a couple
14 of years ago. And these are serious mental
15 health issues that we are not only having as
16 far as beds for the people that need -- are
17 in mental health crisis, but also for the
18 workers that are short-staffed. And that's
19 one of the conditions of the strike, is that
20 they're short-staffed and they can't meet the
21 needs of all of their people.

22 So that, number one. And then, number
23 two, with NY HELPS and the 7,000 workers and
24 the 7,000 positions that were filled -- were

1 those New Yorkers, or were those people
2 brought in from out of state? And when they
3 came on, did they come on as Tier 6? And
4 were they promised -- I mean, because we do
5 need to fix Tier 6. That will solve all of
6 our problems.

7 But a couple -- just a couple of those
8 questions, if you could answer them, please.

9 MR. TERRY: So I'll answer the second
10 question first, on NY HELPS. I mean, I can't
11 tell you exactly who filled -- you know, out
12 of those 7,000. Their tier status is based
13 on their first date of hire in the public
14 sector. So if they were hired previously, in
15 a different job before 2012, they could be
16 Tier 5 or Tier 4.

17 ASSEMBLYWOMAN GIGLIO: Okay.

18 MR. TERRY: You know, it's -- it's my
19 understanding, though, that those 7,000 are
20 New Yorkers. Those are people that live here
21 or, you know, maybe Pennsylvania or
22 New Jersey, right on the border. But they
23 are -- they are New Yorkers for the most
24 part.

1 And I will just say on -- you know, we
2 are in a vicious cycle in the healthcare
3 system. We have lack of staff that creates
4 mandatory overtime. People burn out and they
5 leave, which creates more mandatory overtime,
6 and we get into a cycle.

7 What we need to do is to fix the
8 workforce problem by training, in the
9 healthcare workforce, more people, like, to
10 come in. We just need an influx, a massive
11 influx, which is very hard to do. I mean, it
12 is very hard to train that -- like a
13 significant number of people to put a dent in
14 it. But we are in a spiral here, and it is
15 very hard to get out of it.

16 ASSEMBLYWOMAN GIGLIO: And I think
17 that the teacher -- the educators for the
18 nurses are another problem, in that you have
19 to have a master's degree, you have to have
20 your certifications, you have to have all of
21 these criteria. And I think that there are a
22 lot of nurses that are aging out that maybe
23 don't want to work on the floor that could
24 become teachers, and I think we need to move

1 towards that also.

2 CHAIRWOMAN KRUEGER: Thank you.

3 Senator Mayer.

4 SENATOR MAYER: Thank you for being
5 here and thank you for what you do.

6 Two sort of areas I haven't heard
7 addressed. One is -- and Randi, you
8 addressed this briefly, but it's important to
9 me. Do the unions -- CSEA and PEF
10 independently do outreach when new jobs are
11 available? Or are we dependent on the
12 employers doing the outreach? Because I
13 agree with you, I think outreach is sort of a
14 bit of an outdated concept the way it's been
15 done. So that's question one.

16 Question two is, how successful are
17 you working with the Civil Service Commission
18 in actually creating new titles that are
19 needed? Like in a library, for example,
20 where a title is needed and the Civil Service
21 Commission is too slow and too cumbersome to
22 actually create a new title when there's
23 someone ready to be hired, the money is
24 there, but the title and the test is not

1 there.

2 MS. DiANTONIO: Okay, so I forgot the
3 first question with 15 seconds.

4 SENATOR MAYER: Outreach. Outreach.

5 MS. DiANTONIO: Thank you. I'm like,
6 wait a minute.

7 Okay, so as far as outreach goes, it's
8 kind of -- it's dependent on which agencies.
9 There are some agencies that work very well
10 with their local leaders and invite them and
11 include them and tell them when they're doing
12 outreach. We think that's a great idea
13 because being in a union is a benefit, and
14 many people don't know that or understand
15 that that's part of state government.

16 Most times we're not aware of it. The
17 HR departments are doing the outreach. We
18 are working with them on, you know, trying to
19 do better at on-boarding. But the actual
20 fairs and all the advertisements and public
21 outreach campaigns, a lot of those are being
22 done by people with expertise in marketing.
23 We know a lot of agencies that are basically
24 entering contracts with firms that specialize

1 in this and coming up with campaigns.

2 And, you know, frankly your workforce
3 knows the job. So I would encourage agencies
4 to work with us as much as possible, because
5 we can help recruit.

6 SENATOR MAYER: Yes, I agree.

7 Yes?

8 MR. TERRY: So it's a great question,
9 Senator. We are becoming -- I think we
10 realized there was a gap in what we weren't
11 doing as a union. Especially with the crisis
12 that we're in. So we have definitely been
13 more proactive in going to job fairs,
14 promoting these jobs, promoting them
15 internally amongst our membership and, quite
16 frankly, the family of our membership,
17 because that's always been like the next
18 generation of the civil service workforce.

19 But we are without a doubt trying to
20 be much more proactive than we have been in
21 the past of not just leaving it to the state
22 or a local government, but going out there to
23 do it.

24 SENATOR MAYER: Just before I end up,

1 do you have recruitment people that work for
2 you? I've been at several job fairs where
3 unions actually have recruitment people on
4 their staff. Do you?

5 MR. TERRY: So we don't have
6 recruitment staff, we use internal staff and
7 our local -- like our union leadership within
8 a local or a unit.

9 SENATOR MAYER: Okay, thank you.

10 MR. TERRY: And then just to answer
11 your last question, we have been working very
12 closely with civil service. I'll say the
13 relationship is really great there, the best
14 it's been I think in decades.

15 And so I can't speak to that specific
16 example, but I think we're always -- they're
17 always willing to listen on that.

18 SENATOR MAYER: Thank you.

19 CHAIRWOMAN KRUEGER: Thank you.

20 Assembly.

21 ASSEMBLYMAN BRONSON: Yes, next up is
22 Assemblymember Alvarez.

23 ASSEMBLYMAN ALVAREZ: Okay, now.

24 First I'd like to thank you and the

1 many union organizations that you represent,
2 many of which are my constituents, for your
3 advocacy on behalf of New Yorkers.

4 I have a couple of questions, and one
5 of the questions is, as union leaders and
6 ambassadors for the union strong movement,
7 what do you see as the greatest budgetary
8 threat to workforce development?

9 The second one is, how can we as a
10 Legislature invest in workplace protection
11 and workforce development in a creative way?

12 And how COLAs -- how the increase of
13 COLAs can possible impact economic
14 development in our communities.

15 MR. TERRY: So, I mean, I think the
16 biggest budgetary threat to workforce
17 development is something that we've gone
18 through over the last 15 years, which was
19 just the abdication, the utter failure to
20 make any investments in the workforce. I
21 mean, we had a hiring freeze in New York
22 State, for the state -- for state employees
23 for almost a decade. They weren't bringing
24 in anybody. We couldn't hire people in our

1 group homes in OPWDD, in our state
2 psychiatric centers. And when that starts
3 happening, and people start seeing that there
4 is no path for promotion, or there's no path
5 even in, they're going to start looking
6 elsewhere.

7 And we have a changing -- I mean, the
8 workforce has changed. It's no longer the
9 state or the public sector and, you know, the
10 Carrier Corporation in Syracuse or
11 Eastman-Kodak in Rochester. We have the gig
12 economy now. We have -- you can work in any
13 number of places. You can work where you
14 want and when you want.

15 And so the civil service -- the public
16 sector is not -- it's not the end-all be-all
17 anymore. We have to be able to compete. We
18 have to be constantly making investments into
19 that system.

20 MS. DiANTONIO: And I'd just add, it's
21 not just investments into the workers, it's
22 investments into our infrastructure. Our
23 physical buildings where people work are in
24 many cases unsafe and they're falling apart.

1 So you bring in -- you want to bring
2 in the best and the brightest, and they walk
3 in and they're like, I'm not working here,
4 this is, you know, an unhealthy environment
5 for people.

6 So it's really an overall -- they
7 stopped funding state services on a wholesale
8 basis.

9 ASSEMBLYMAN ALVAREZ: Thank you.

10 I know I have 40 minutes -- 40 seconds
11 left I'm going to yield back to you.

12 CHAIRWOMAN KRUEGER: We have
13 Senator Weik.

14 SENATOR WEIK: Thank you so much.

15 I just have a -- I have a real
16 concern: What are some of the issues or
17 costs you see if we take on an influx of
18 migrants to the public-service workforce?

19 MR. TERRY: Quite honestly, I don't
20 see costs to our public-sector workforce if
21 that -- if that happens.

22 I mean, so CSEA will represent any
23 employee that's in our bargaining unit,
24 that's placed in our bargaining unit.

1 Anybody -- and the commissioner spoke about
2 this. And I am not a lawyer, and I'm not
3 going to litigate whether this is right or
4 wrong, but anybody that is authorized to work
5 in New York State quite frankly we would
6 encourage them to join the public-sector
7 workforce because we have such dire needs.
8 As long as they are eligible to work here and
9 meet the minimum qualifications.

10 We spent over a billion dollars in
11 overtime last year alone. Our members need
12 relief. So I would encourage anybody in this
13 room who has constituents that are unemployed
14 to send them to the state, send them to a
15 local government. If you could go work for
16 OPWDD, you could apply tomorrow and probably
17 be hired within a day or two because they are
18 that short-staffed.

19 So, you know, Senator, I understand
20 the concern that's been expressed here. But
21 I don't see a downside for the people that
22 are legally allowed to work in New York State
23 working for, you know, New York State, with
24 proper checks and balances, in --

1 SENATOR WEIK: So a migrant as a
2 social worker, you're okay with that?

3 MR. TERRY: Well, if there were
4 minimum qualifications that are met, and they
5 were able to pass a licensing exam and they
6 were able to do that -- I mean, yeah, I mean,
7 we're not in the business -- that is not our
8 business. You set the policy on that, not
9 us. We just represent the workers.

10 SENATOR WEIK: I'm just asking your
11 opinion. You do represent the workers, and
12 I'm sure some of the workers would have a
13 problem with some of that.

14 MR. TERRY: I'm sure some of them
15 absolutely would, yes.

16 SENATOR WEIK: Yeah.

17 MR. TERRY: But our members also have
18 a big problem working mandatory overtime.
19 They have problems working four shifts in a
20 row in a group home.

21 SENATOR WEIK: I agree with that.
22 Yeah, I agree with that. That is a problem.

23 CHAIRWOMAN KRUEGER: Thank you. Do
24 you -- oh, you have another 56 seconds,

1 sorry.

2 SENATOR WEIK: No, I'm good, thank
3 you.

4 CHAIRWOMAN KRUEGER: Okay, thank you.
5 Assembly.

6 ASSEMBLYMAN BRONSON: Yes, I'll go
7 with questioning.

8 This is probably a rhetorical
9 question, it's for Randi and Josh. So I
10 think, Randi, you used the phrase a lofty
11 goal of hiring 12,000 more people, right?
12 And you both explained job fairs -- sometimes
13 union and agencies, sometimes just unions,
14 sometimes just agency. But you're doing all
15 this outreach.

16 Is it reasonable to believe that we're
17 going to hire that many people if we really
18 don't fix Tier 6?

19 MS. DiANTONIO: I think it's -- a, no,
20 I don't think it's reasonable to think we're
21 going to hire that many people, for a lot of
22 reasons. Tier 6 is one of them.

23 We have a very slow process to hire
24 people. By the time they get information

1 about a position, take an exam, get called
2 back -- I mean, by the time we reach out to
3 people and offer a job, they've found three
4 other jobs.

5 So we have problems with Tier 6, we
6 have problems with compensation. We also
7 have problems with the process itself.
8 There's been a lot of improvements. You
9 know, the HELP program to us is a temporary
10 stopgap. It's not the answer to all our
11 problems. Because yes, we hired 7,000
12 people, but we lost, you know, 10,000.

13 So we're not keeping up. There's not
14 a big enough net gain. I think we'd have to
15 really change and modernize our
16 infrastructure on hiring to -- some of the
17 things that are -- they're looking to do, but
18 of course it takes a while. You know, doing
19 things online, making sure we're responding
20 to people more quickly. Getting them, you
21 know, in the door faster. That's a huge
22 thing. I think the average is four months.
23 And it's not only New York State. That's a
24 national average. It takes four months to

1 hire into a public-service job.

2 So that's just not going to work. For
3 people interested in working, they want a job
4 tomorrow. And we have the jobs. So we
5 should be able to do better at that.

6 MR. TERRY: Yeah, I mean, Assemblyman,
7 I brought this to an earlier question. I
8 mean, the world of work has changed. And I
9 think, you know, it's kind of built in: The
10 state and local governments are not equipped
11 to change that as quickly as the world around
12 it is changing, at least in the world of
13 work. And I think there has to be some
14 serious thought that's put into how often can
15 people work from home if they're eligible.
16 Do they have to come into an office.

17 I think -- so Tier 6 is without a
18 doubt, I think, a big driver. But it's not
19 the -- it's not the only answer. I think
20 there's a lot of other factors that we really
21 need to be looking at. And Randi said it,
22 speeding up the process of on-boarding is
23 important. You could be hired pretty much
24 anywhere and start a day or two later if you

1 really want to, and then be paid within two
2 weeks, right, your first paycheck.

3 The state just doesn't function like
4 that, and we really -- and I will give credit
5 to Civil Service, they have been processing
6 faster. But we need to find a way to go even
7 faster to get people on board.

8 ASSEMBLYMAN BRONSON: All right. So
9 you're not going to be able to answer this
10 question, Randi. You and I have talked a lot
11 about bullying at the Rochester Psychiatric
12 Center. Could you get us that data on where
13 it's happening so we can correct it? Thank
14 you.

15 MS. DiANTONIO: Yup.

16 CHAIRWOMAN KRUEGER: Thank you.

17 Senator Martins.

18 SENATOR MARTINS: Thank you.

19 Good evening. It's great to have you
20 here, especially following the panel that was
21 here beforehand. Because what I heard from
22 that panel was everything's great. And then
23 you came in, and we have a billion dollars in
24 overtime and we have 17,000 people whose jobs

1 haven't been replaced and we have persons and
2 inspectors at the Department of Labor that
3 need to be hired in order to do inspections.
4 And that's the information that we need in
5 order to properly look at this budget.

6 And before I get to that, Ed, a
7 question for you. I know you've been sitting
8 there patiently for a while.

9 You mentioned COLAs, and you mentioned
10 the cost of COLAs for 23,000 retirees. And
11 if we were to do the right thing by those
12 workers who retired, state workers, how much
13 would that cost? I'm sure you've calculated
14 that, right?

15 MR. FARRELL: We have. The bill was
16 introduced last session; it cost 350 million,
17 roughly.

18 The same bill was introduced this
19 session, it cost 1.4 billion, the same bill.

20 So we requested a meeting with the
21 Comptroller's office to talk to the actuary,
22 because it was the exact same bill. And the
23 actuary interpreted the language of the bill
24 to mean the catch-up provision would apply to

1 anyone who got a COLA over the last 23 years,
2 including people who are dead.

3 And so we pointed out that it was very
4 clear you only get the COLA if you are
5 eligible to get the COLA; i.e., you are
6 alive.

7 (Laughter.)

8 MR. FARRELL: So the bill has been
9 resubmitted for amendments to clarify that it
10 only applies to live people, and therefore
11 the new version of the bill will have a lower
12 fiscal.

13 SENATOR MARTINS: Three hundred fifty
14 million.

15 MR. FARRELL: Yeah, but even if that
16 is the true number, if you look at that
17 within the context of the retirement system
18 was 260 billion --

19 SENATOR MARTINS: Ed, I don't
20 disagree. I agree with you, 350. I'm going
21 to work with Robert Jackson here and get it
22 done.

23 Josh, Randi -- four months to on-board
24 somebody. All of these -- these are -- and

1 correct me if I'm wrong, all of these open
2 slots are actually in the budget. We are not
3 actually asking for money to hire new people.
4 These are positions that have already been
5 approved, they're in the budget, and they're
6 available to people today.

7 MR. TERRY: Correct, absolutely.

8 SENATOR MARTINS: Thirty seconds.
9 Josh, how do we -- what would you do to
10 fast-track and make this a week as opposed to
11 four months?

12 MR. TERRY: I mean, I think we really
13 need to look at Civil Service in terms of
14 what are we testing for, what are we
15 examining. And we've talked about this: Are
16 there ways to look at your past experiences
17 in order to retain merit and fitness but also
18 show that somebody can do the job to get them
19 on board faster?

20 SENATOR MARTINS: Love it. Thank you.

21 Thanks very much.

22 CHAIRWOMAN KRUEGER: Thank you.

23 I think I'm the last legislator
24 here -- oh, excuse me. I'm sorry, you

1 weren't on the list. I am going to jump to
2 Assemblywoman Jo Anne Simon.

3 ASSEMBLYWOMAN SIMON: Thank you. I've
4 been trying to not ask questions for the sake
5 of asking questions, so I appreciate it.

6 So you just said something that is an
7 area that I have long been concerned about,
8 and that is we test for everything, and we
9 have no idea that these tests are valid. And
10 so many of them are not valid for the job,
11 for example, that is being sought and testing
12 actually the skills and abilities that are
13 needed, because they end up being
14 paper-and-pencil tests, essentially.

15 Which disadvantages certain
16 populations with less reading skills. It's
17 different in certain professions than others.

18 What would we need to do to counteract
19 that, to make those assessments be more in
20 line with the nature of the work that we're
21 hiring for in the state civil service
22 workforce?

23 MR. TERRY: You know, I think it's a
24 big question. And I think it would be -- in

1 order to change that system, I think that's a
2 long -- it's a long process. I mean, I
3 think -- listen, I am from the Civil Service
4 Employees Association. We believe in civil
5 service, we believe in merit and fitness.
6 But I think we would be on the same page that
7 merit and fitness is not always a test.

8 And there's a good example. My
9 neighbor, she took a civil service exam to
10 become a graphic designer for the State of
11 New York. And it was a paper-and-pencil
12 test. It wasn't a review of her portfolio,
13 of the work she's done before. And then she
14 quite frankly had to wait eight months in
15 order to be hired into the state.

16 I think there are things that we could
17 look at and examples like that that we can
18 say, does this really make sense? But I
19 think it would take some political will, and
20 I think it would -- it's a fine line of
21 getting rid of merit and fitness and just
22 putting in, you know -- you know, going back
23 to Tammany Hall-style cronyism and making
24 sure the right people are coming into the

1 system.

2 ASSEMBLYWOMAN SIMON: But do you
3 believe it's possible? I mean, I have a
4 former client who was a massage therapy
5 graduate from an associate's degree
6 program -- it wasn't a civil service exam, it
7 was a national exam -- and persistently, even
8 with accommodations for her disability,
9 couldn't pass the corporate organization --
10 the business organization and corporate tax
11 questions on the massage therapy test.

12 It makes you wonder, in a hands-on
13 profession, why we're doing that, why we're
14 asking for that.

15 MR. TERRY: Yeah.

16 ASSEMBLYWOMAN SIMON: And so I think
17 that there probably is some -- a whole lot of
18 wiggle room there for improving the system.

19 MR. TERRY: It is possible, and we've
20 done it in some agencies, within OPWDD, at
21 least for our direct-care titles, our DSAs,
22 there are -- it's not a test, it's more of a
23 qualifications and a skills assessment, to
24 make sure that you are able to do the work.

1 And that's what's -- you're able to
2 come into OPWDD now and you're hired much
3 more quickly, because we've reevaluated --
4 and they've worked with us. We want to be
5 part of that process if we were to do it.
6 But it is possible, Assemblywoman.

7 ASSEMBLYWOMAN SIMON: Thank you.

8 CHAIRWOMAN KRUEGER: Thank you.

9 And I believe -- {mic off; inaudible}.

10 SENATOR RHOADS: Thank you so much,
11 Chairwoman.

12 And Josh and Randi, I know you've been
13 on the hot seat for a while answering a bunch
14 of questions; sorry to add to that.

15 Just to follow up on Senator Mattera's
16 line of questioning, we seem to have a
17 balancing in different interests. You know,
18 you've indicated that we have 11,600 vacant
19 positions in the state that we're spending
20 \$1.36 billion in overtime costs, we have a
21 4.5 percent unemployment rate in the State of
22 New York.

23 The Senator had asked about adding
24 potentially 400,000 migrant workers into the

1 workforce. Are you concerned at all about
2 adding those workers into the workforce and
3 potentially taking away employment
4 opportunities from New Yorkers who are
5 desperate for work?

6 MR. TERRY: Senator, I appreciate that
7 question. Those jobs are open now. I mean,
8 New Yorkers can come into these jobs tomorrow
9 if they want to, and we encourage them to.
10 And we are actively talking about these jobs
11 and recruiting people into them.

12 So again, I mean, I really -- I
13 encourage everybody to send people to the
14 Civil Service website, to have them talk to
15 recruiters. I think what we're looking at is
16 filling a gap that there's jobs that --
17 apparently these lower-wage jobs, they're
18 lower skill sets that New Yorkers don't want
19 to fill. And I don't know why they don't
20 want to fill them, I'm not sure about that.

21 SENATOR RHOADS: Let me just hop in
22 with another question, only because our time
23 is limited. Are there things that the state
24 should be doing to better let unemployed

1 New Yorkers know that these jobs are
2 available?

3 MR. TERRY: Yeah, absolutely. I mean,
4 I think we -- we do a terrible job of
5 promoting public-sector work in New York
6 State. I mean, you can -- you see ads for
7 Amazon, like working at an Amazon warehouse
8 or at Target, right -- I mean, you see ads
9 like that all the time.

10 We haven't done a good job in the
11 public sector on that, and legislation that
12 was signed into last year that you all passed
13 requires the Department of Civil Service to
14 better promote these exams to places that are
15 going to be receptive -- high schools,
16 community colleges, universities, social
17 service districts. You know, the list is --
18 it's in law now.

19 And that's being rolled out, and I
20 think -- I think we need to even go further.
21 The marketing campaign that's going to come
22 out I think will be helpful. But also just
23 not bashing public service. Like let's be
24 proud of the work that we all do in all of

1 these state agencies and local governments.
2 I think it's easy to complain about the work
3 and the pay and the benefits, but when you do
4 that, nobody's coming -- nobody's going to
5 come and show up and work with ya.

6 SENATOR RHOADS: Let me hop in with
7 one more question in the remaining
8 17 seconds. And we may have to go off-grid
9 for the answer.

10 You've mentioned a couple of things in
11 terms of Civil Service that we would be able
12 to do -- online testing, speeding up
13 on-boarding -- just so we can accelerate
14 hiring people. Are there additional items
15 like flexibility in civil service titles
16 where, if somebody tests for one position,
17 they may be able to be hired for something
18 else? Are there other ideas that you have?

19 So thank you.

20 CHAIRWOMAN KRUEGER: Thank you.

21 So I guess I'm the last questioner,
22 but I think I just more have, first, a
23 thank you.

24 But also because people seem to be

1 obsessed with this issue, I just want to
2 clarify it one more time. People can be in
3 this country and have working papers allowing
4 them to go to work. They can apply for jobs.
5 As you keep answering successfully over and
6 over again, it's not taking the job away from
7 somebody else who wanted it. We want
8 everybody to apply for civil service. We
9 need these people to work.

10 And also if it's then determined at a
11 later date that they are not eligible to stay
12 in this country for some reason, then they've
13 paid into our systems but they never get
14 those benefits. And that's the history of
15 immigrant labor, by the way, in this country.
16 They disproportionately are paying taxes and
17 paying into benefits that they can never get
18 anyway, so they're actually making money for
19 the rest of us who can draw down on the
20 benefits -- and not taking the jobs away.

21 And so I appreciate your continually
22 answering this question in my opinion
23 correctly, because there seems to be a great
24 deal of confusion in this room about reality.

1 I also do think it is very important,
2 as you also I think all agree, that we start
3 talking more about why government is where
4 the best and the brightest ought to be going.
5 Government is where people who care about
6 other people go. Our government is something
7 we should all be incredibly proud of and make
8 sure that it works the best that it can for
9 everyone. I know I talked to Mr. Hogue --
10 the commissioner about reaching out also to
11 older people. I have lots of people over 50
12 who actually got pushed out of the
13 economy during the pandemic, or because they
14 were already over X age, and they're looking
15 for work and they want to work, and they have
16 really good work histories. And they know
17 how to do deal with people and they can pass
18 these tests.

19 So I'm also encouraging not just young
20 people to recognize what a great opportunity
21 this is -- this is a pitch, I guess, not a
22 question -- but also for older New Yorkers
23 who are looking for jobs and still feel the
24 private sector isn't really interested in

1 them. But they can have amazing skills to
2 walk into civil service, and we need to reach
3 out to them as well.

4 That was my speech, not a question.

5 But I do want to thank all of you for
6 your work, for your members' work, and for
7 being with us here today. Thank you very
8 much.

9 PANELISTS: Thank you.

10 CHAIRWOMAN KRUEGER: And I'm now
11 moving to Panel B: New York Civil Liberties
12 Union; A Better Balance; and the Center for
13 Poverty and Social Policy at Columbia
14 University.

15 Let's see who has stuck it out this
16 late to join us.

17 (Off the record.)

18 CHAIRWOMAN KRUEGER: Good evening,
19 ladies. Okay, let's go in the order we
20 called you in.

21 For people who have the paperwork, it
22 is not Alice Bohm, it's Allie Bohm, so I just
23 want to make that correction for the record,
24 from the New York Civil Liberties Union. Why

1 don't you go first.

2 MS. BOHM: Thank you. And thank you
3 all for sticking around.

4 Updating New York's medical leave
5 program is a gender and racial justice
6 imperative. The U.S. faces a maternal health
7 crisis that disproportionately impacts Black
8 women. Under current law, pregnant people in
9 New York simply cannot afford to take time
10 off to keep themselves and their pregnancies
11 healthy.

12 The Governor's TDI proposal is a good
13 start. In addition to raising TDI's wage
14 replacement rate and matching it to Paid
15 Family Leave's, and adding job protections
16 against retaliation and the continuation of
17 health insurance, the Legislature should
18 advance a more holistic proposal reflected in
19 Senator Ramos's S2821B/A4053B -- which is
20 Assemblymember Solages's. The Governor only
21 proposes to raise TDI's wage replacement rate
22 for the first 12 weeks of leave. For any
23 subsequent weeks, the Governor would cap the
24 wage replacement rate at \$280.

1 The number of weeks an individual
2 needs is based on medical need. While the
3 vast majority of people will only need
4 12 weeks or less, those whose medical
5 conditions prevent them from working for
6 longer periods have no less need for
7 sustainable wages on Week 13 than they did on
8 Week 4.

9 Moreover, New York must take this
10 opportunity to fully modernize TDI. It must
11 move to a progressive wage replacement model
12 to increase low-income workers' access to
13 leave and expand the definition of family to
14 include chosen family, which is particularly
15 important for LGBTQ New Yorkers, who are
16 often less likely to have a traditional
17 nuclear family. And it should enable
18 automatic conversion between Paid Family
19 Leave and TDI for a worker who experiences
20 pregnancy or neonatal loss.

21 While my written testimony includes
22 more, I want to flag one more provision, and
23 I'm sorry for talking a million miles a
24 minute. The Governor proposes to establish

1 40 hours of dedicated paid leave for prenatal
2 visits. Prenatal care is integral to healthy
3 pregnancies. Paid time off will enable more
4 New Yorkers to access this care. However,
5 the Governor has proposed to shoehorn it into
6 Paid Family Leave.

7 In addition to posing serious
8 logistical hurdles for workers, locating
9 prenatal leave within PFL could provoke
10 serious unintended legal consequences that
11 ultimately endanger pregnant people. Paid
12 Family Leave is leave to take care of another
13 person, whereas prenatal care is care for the
14 pregnant person. Shoehorning prenatal care
15 into Paid Family Leave suggests that the
16 fetus is a separate person from the pregnant
17 person, which could have serious detrimental
18 effects on the pregnant person's legal
19 standing.

20 Were the state to recognize the fetus
21 as separate, its ability to control the
22 pregnant person's life would be limitless.
23 There is a disturbing trend of prosecutions
24 of pregnant people for their behavior during

1 pregnancy, or their pregnancy outcomes in
2 New York and around the country. These
3 problems can be avoided by providing for
4 prenatal leave through New York's paid leave
5 program.

6 Thank you for the opportunity to
7 testify today, for sticking around, and I'm
8 happy to answer questions.

9 CHAIRWOMAN KRUEGER: A Better Balance.

10 MS. LEIWANT: Yes, thank you so much.
11 Thank you for inviting me to be here today.

12 My name is Sherry Leiwant, and I am
13 co-president of A Better Balance, a national
14 legal organization based in New York that led
15 the fight for paid family leave in 2016 and
16 works on paid family and medical leave laws
17 around the country.

18 I'm here to urge you to include in
19 your budget desperately needed reforms to New
20 York's medical leave program, known as TDI,
21 that are included in Senate Bill S2821B,
22 sponsored by Senator Ramos -- thank you very
23 much -- and the Assembly bill sponsored by
24 Assemblymember Solages.

1 Governor Hochul's budget proposal also
2 includes raising TDI benefits, which
3 indicates how important the issue is, but her
4 proposal does not go far enough. New Yorkers
5 need a paid medical leave benefit they can
6 survive on, and currently New Yorkers who
7 need time off to recover from cancer, a
8 serious surgery, a pregnancy that requires
9 bed rest, or any personal health need, can
10 receive no more than \$170 per week, due to a
11 cap that was set back in 1989 and hasn't been
12 touched since. New Yorkers who need to miss
13 work to take care of their health cannot
14 survive on that amount.

15 On our helpline, we hear from workers
16 who became food insecure, who even became
17 homeless, and others who did not take the
18 medical care they needed because they
19 couldn't live on that \$170 a week if they
20 were out of work.

21 It doesn't have to be that way. Most
22 other states that have medical leave
23 programs, paid family medical leave programs,
24 give more than a thousand dollars a week to

1 people who are eligible for them. And even
2 here in New York, our Paid Family Leave
3 program pays over a thousand dollars a week.
4 So if your father breaks his leg, you can
5 take care of him and get a decent benefit.
6 But if you break your leg, you get \$170 a
7 week, and that makes it very, very difficult.

8 In addition, how benefits are
9 calculated is very important. Our bill
10 includes progressive wage replacement,
11 important for low-wage workers who can't live
12 on a small fraction of their wages.
13 Progressive wage replacement ensures that the
14 benefit will be sufficient for all workers to
15 meet their needs even if they have a
16 minimum-wage job.

17 We applaud the Governor for proposing
18 the increase in the benefit levels in TDI,
19 but her proposal is not -- goes too slowly.
20 It is a phase-in over five years. We've
21 waited now since 1989 to have a raise in
22 these benefit levels, and it's -- the time is
23 now to do it. So we urge you to take the
24 bills that are -- have been proposed by

1 Senator Ramos and reform TDI benefits
2 immediately, effective January 1, 2025.

3 I also want to say that it's critical
4 that job protection and continued health
5 insurance be included in the TDI program. It
6 is in the Paid Family Leave program but not
7 the TDI program. It's in our bill, but it's
8 also in the Governor's bill, and we would
9 urge you to include that also in anything
10 that's in your budget.

11 CHAIRWOMAN KRUEGER: Thank you very
12 much.

13 And next is Meredith Slopen from the
14 Center on Poverty and Social Policy, Columbia
15 University.

16 MS. SLOPEN: All right, super.

17 Thanks so much for having me. I'm
18 honored to submit testimony on behalf of the
19 center and my colleagues discussing our
20 recent analysis of the benefits and costs of
21 Paid Family Leave and the proposed expansions
22 described by my colleagues here.

23 We find that expanding eligibility to
24 workers with only four weeks of consecutive

1 weeks of work at a given employer and
2 introducing a progress multi-tier income
3 replacement structure would increase
4 accessibility and use of paid leave following
5 birth by lower-income families at a critical
6 time for child development.

7 Importantly, our work shows how the
8 benefit of an expansion would far outweigh
9 the costs through long-term improvements in
10 the health and future earnings of infants and
11 the health of their parents. We recommend
12 that these key elements should be included in
13 the Executive Budget.

14 A large body of research shows that
15 paid family and medical leave policies
16 benefit the health, well-being and career
17 trajectories of workers and their families.
18 And our research uses this literature to
19 estimate the present discounted value, or the
20 estimated future gains or losses in today's
21 terms. We find that the net social benefits
22 of a thousand-dollar investment in leave are
23 over 20 times the cost of the initial
24 investment.

1 Translating these estimates to the
2 New York State current Paid Family Leave Act,
3 we find that the program results in social
4 benefits of \$12.7 billion for the state.
5 However, without expansion, many of these
6 gains may be left on the table.

7 New York State became a leader on paid
8 leave when it passed the most generous
9 policy of its time in the United States.
10 However, we know barriers remain. And in our
11 analysis, we find that low-wage workers are
12 less likely to use Paid Family Leave
13 following birth than their peers. And, when
14 they do, they use on average fewer weeks,
15 only using seven weeks despite being eligible
16 for 12 weeks.

17 The loss of at least one-third of
18 wages following childbirth is substantial for
19 these workers and may deter program
20 participation. This shortcoming of the
21 previous policy is illustrated by increases
22 in low-income workers' take-up of paid leave
23 during the phase-in, as we saw wage
24 replacement rates rise. This would be

1 addressed through the multi-tier income
2 replacement structure.

3 Our findings imply that low-wage
4 workers cannot fully afford to benefit from
5 the program, with implications for equity and
6 limiting the full potential of the policy to
7 create social benefits. We estimated that
8 the proposed expansion would result in a net
9 benefit to society of \$2.3 billion. Given
10 the high rate of return, the additional
11 expenditures to ensure access by low-earning
12 working families should be strongly
13 considered for inclusion.

14 Our analysis points to two
15 conclusions. Low-earning workers are less
16 able to fully benefit under the current
17 policy. And that, given the high rates of
18 return to paid family leave programs, the
19 benefit would be significant.

20 Thank you so much for your time, and
21 we appreciate the opportunity to submit
22 testimony and look forward to continuing to
23 work with you in your efforts to support the
24 working families of New York State.

1 CHAIRWOMAN KRUEGER: (Mic off;
2 inaudible.)

3 SENATOR RAMOS: Hey, thank you. Good
4 evening. Thank you all for your advocacy and
5 working with us to improve TDI.

6 You know, it's always a wonder how we
7 women, you know, we get pregnant and we're
8 either disabled -- you know, we can't seem to
9 fit under a category, despite being more than
10 half of the population.

11 And you guys have made excellent
12 points. Actually, my question to Allie was
13 going to be about personhood, because that
14 has been such a misclassified topic, but I
15 would like to then touch upon something that
16 I don't think I heard, which was a part of
17 our TDI update that would actually allow for
18 the definition of chosen family to be
19 included in Paid Family Leave, and how
20 important that is for LGBTQ families and
21 beyond.

22 Can one or any of you, you know, speak
23 to that? Thank you.

24 MS. LEIWANT: Yeah, let me, and I'm

1 sure Allie can add too.

2 We do work around the country, and we
3 have been expanding the family definition in
4 most programs because there -- you know, the
5 families that need these benefits don't come
6 in one size.

7 You know, we have immigrant families
8 that have extended families where there's
9 been care given, whether or not they're
10 blood-related or not.

11 LGBT families, there's a -- there are
12 many, many families who, even though marriage
13 is now possible, they're still extended
14 families that can't -- that are older and
15 are -- don't really -- the people who care
16 for them are the people who are close to
17 them, not necessarily people who are
18 blood-related or even have a legal
19 relationship.

20 So what we want is that -- to expand
21 our family definition to meet the family
22 definitions that we're using around the
23 country. It does not expand the program
24 significantly, but for the people for whom it

1 is important who want to take care of their
2 loved ones, it's really essential. So we
3 thank you for including that in your bill.

4 SENATOR RAMOS: Thank you.

5 Anybody else want to add any thoughts
6 to that, or anyone who wants to speak to how
7 progressive wage replacement is going to
8 work, how important it is?

9 MS. LEIWANT: Yeah, I mean on the
10 progressive wage replacement, we really are
11 out of step with the rest of the country on
12 this. Because it's been recognized in lots
13 of studies that if you replace wages, the
14 first part of the benefit -- the first part
15 of your wages is a higher percentage, then
16 low-wage workers are going to get a higher
17 percentage of their income, and then that
18 will be all they'll get. Higher-wage people
19 will get a less percentage of their income
20 over that, but it will mean that nobody loses
21 on that. Everybody gets 90 percent of the
22 first X amount. We have it at the state, a
23 statewide average weekly wage. But it could
24 be -- it could be -- yes.

1 So in any event, it's very important
2 for low-wage workers to get a bigger
3 percentage at the bottom.

4 SENATOR RAMOS: Thank you.

5 CHAIRWOMAN KRUEGER: Thank you.

6 Senator Martins.

7 SENATOR MARTINS: Good evening. Thank
8 you all for being here.

9 I was just speaking with
10 Senator Ramos, and I can't for the life of me
11 remember why, when we did Paid Family Leave,
12 we didn't include TDI. Because it just makes
13 sense that if we're going to socialize the
14 costs of people who are disabled, and we want
15 them to be -- you know, return to the
16 workforce and remain as whole as possible, I
17 think we'd all agree that \$170 dating back to
18 1989 just doesn't make sense.

19 So can you talk to me about the
20 economic benefit of somebody earning more
21 during that period and their ability to
22 reinvest that into the community and to spend
23 that money on local stores and the like, and
24 the multiplier effect that comes back from an

1 economic development standpoint, making sure
2 that people are made whole, especially when
3 they are on disability.

4 MS. LEIWANT: Yeah, I think it's
5 obvious that nobody can really live on \$170 a
6 week. And what's happened is -- what really
7 does happen when we get calls on our helpline
8 all the time, is that people can't spend that
9 money, as you say. They're -- they -- if
10 they are trying to make it on that, they
11 aren't -- they are really not paying for
12 groceries, they're not doing anything else
13 except the bare minimum in terms of their
14 living.

15 But mostly people can't -- they
16 really -- they can't get the medical care
17 they want because they end up continuing to
18 work and not -- and becoming sick. And so
19 that also is a cost to us as a society and
20 economically.

21 But, you know, as we've found with
22 paid sick days -- and there's lots of studies
23 on this -- people who get money when they're
24 sick, when they can't work, they invest it

1 back in the community and spend the money,
2 and it's a win/win both for business and for
3 the people who are getting benefits.

4 SENATOR MARTINS: You don't have
5 people who are returning to work because they
6 can't afford to take the disability time to
7 actually make themselves well, correct?

8 MS. LEIWANT: That's correct, right.

9 SENATOR MARTINS: Anyone else?

10 Well, thank you, I yield back my 52
11 seconds, Chair.

12 CHAIRWOMAN KRUEGER: Thank you.

13 We want to thank you very much for
14 hanging out throughout the afternoon;
15 appreciate it.

16 And our last panel will be
17 The Business Council of New York State;
18 ALIGN: The Alliance for a Greater New York;
19 and the Worker Justice Center of New York.
20 And No. 14 had to rush to a train, so it will
21 just be the three organizations. Or
22 whoever's left.

23 (Off the record.)

24 CHAIRWOMAN KRUEGER: Okay. Good

1 evening. Hi. Okay, great. So Crystal
2 Griffith is here? You're Crystal Griffith,
3 okay. And you are Theodore. And you are --

4 MS. KREYCHE: Emma.

5 CHAIRWOMAN KRUEGER: So we'll just go
6 in that order, if that's okay.

7 Thank you for being with us to the
8 near end of the event. Hi. Please.

9 You have to press the button hard
10 until it turns green. It's a test.

11 MS. GRIFFITH: Okay, there we go.

12 Good afternoon -- well, good evening,
13 Chairwoman and distinguished members of the
14 Senate and Assembly. My name is Crystal
15 Griffith, and I'm the director of workforce
16 development at The Business Council of
17 New York State. We are the largest business
18 association representing local chambers and
19 over 3500 members, 70 percent of which are
20 small businesses.

21 We at The Business Council strongly
22 believe and know that workforce development
23 is an economic development concern and issue.
24 And we support the Governor's budget

1 investments and proposals to improving our
2 workforce. With that, we must remain a
3 competitive state with a skilled workforce
4 like no other.

5 Continuing to highlight our skills
6 training even more, according to the
7 World Economic Forum in their most recent
8 report, by 2025 fifty percent of the
9 employees currently in the workforce are
10 going to need some type of re-skilling or
11 up-skilling, and of that 50 percent,
12 40 percent of those are going to need
13 skilling that takes six months or less. And
14 that's by 2025, so just next year. So we
15 have to do something about this now.

16 As far as manufacturing workforce
17 investments in New York, we understand that
18 they're crucial for the revitalization of our
19 state's industrial sector, and we support
20 those proposals that have been put forth,
21 such as for the FAST NY investments and for
22 ON-RAMP also.

23 We continue to support addressing
24 skills gaps to ensure the workforce is

1 equipped with the technical expertise they
2 need to advance in manufacturing
3 environments, especially given that there are
4 over 400,000 manufacturing workers in
5 New York State alone.

6 Unfortunately, we still do have fewer
7 individuals today than we did in February
8 2022 during the pandemic. When we look at
9 recent data from the U.S. Chamber of
10 Commerce, we know that there are 8.8 million
11 open jobs and 6.3 million unemployed people.
12 Now, that does not include individuals who
13 have decided to stop looking for work. They
14 no longer -- there are some individuals who
15 no longer desire to be in the workforce
16 because they've decided to either live off of
17 one income or they've, you know, been able to
18 save because of the pandemic and so they've
19 retired early, and they haven't wanted to
20 come back to the workforce.

21 So we look forward to budget
22 investments and proposals that are going to
23 encourage those individuals to come back and
24 fill the 2.5 million jobs that would still be

1 open if every unemployed person still filled
2 one of the open jobs that we have.

3 As I shared before, 70 percent of our
4 membership are small businesses, and they
5 have workforce concerns just as much as big
6 businesses do, one of the biggest being
7 unemployment insurance -- and I know that's
8 been spoken about a lot today. It has been
9 over 1100 days without action on unemployment
10 insurance, and it's hurting them.

11 I'd like to end with this in my last
12 30 seconds. At the end of the day, no matter
13 what we do, small businesses, big businesses,
14 what you guys do, we have to ensure that we
15 are making opportunities that are attainable
16 to the workforce, to people that want to be
17 in the workforce, that are accessible, and we
18 have to make sure that individuals are aware
19 of the opportunities that they have. As you
20 all heard, there are so many positions open
21 and the requirements for them are continuing
22 to change. But if people aren't aware of the
23 opportunities we're providing with them, then
24 we're not really doing the best with those

1 opportunities that are there.

2 So right on time. Thank you, and I
3 look forward to your questions from my
4 written testimony.

5 CHAIRWOMAN KRUEGER: (Inaudible.)

6 MR. MOORE: Good evening. My name is
7 Theodore Moore. I'm the executive director
8 of ALIGN: The Alliance for a Greater
9 New York. Thank you for the opportunity to
10 speak with you.

11 I'm here as the leader of two
12 statewide coalitions fighting for better
13 conditions for our state's workers. Last
14 year the Raise Up NY Coalition fought
15 extremely hard to get workers a raise, as the
16 cost of living has really skyrocketed all
17 across the state. Now the minimum wage will
18 increase to \$17 for downstate and \$16 for the
19 rest of the state by 2026, indexed to the
20 cost of living after that.

21 But several provisions of the law will
22 actually harm workers trying to make ends
23 meet. We can't pay upstate workers less when
24 costs are, you know, up from Rochester

1 through the Hudson Valley, just like they are
2 downstate. The Upstate Parity and Minimum
3 Wage Protection Act would establish a
4 statewide minimum wage of \$17 by 2026, so
5 that \$17 is the floor for all workers.

6 The current law also has a harmful
7 loophole that denies workers cost-of-living
8 raises when unemployment goes up. If
9 triggered in 2027, nearly 2 million workers
10 would lose out on a raise. New York was once
11 a leader, the first state to set a \$15
12 minimum wage. But here we're an outlier
13 among 19 states that index the minimum wage
14 to inflation.

15 The Upstate Parity and Minimum Wage
16 Protection Act would eliminate this loophole.
17 We encourage everyone to support this
18 legislation and prioritize it in this year's
19 budget.

20 But obviously paying workers fairly
21 just isn't enough. We must keep them safe on
22 the job as well. New York will face -- is
23 facing a worker injury crisis. New York's
24 Department of Labor projects that the

1 warehouse industry will grow faster than any
2 other state between -- has grown faster than
3 any other state between 2018 and 2028. At
4 the same time, warehouse workers are injured
5 four times more than the average New York
6 worker.

7 ALIGN supports the Warehouse Worker
8 Injury Reduction Act to reduce the
9 warehouses -- to ensure that warehouses are
10 designed for worker safety.

11 Just 15 minutes from where we are
12 currently is Amazon's ALB1 distribution
13 center in Schodack, New York. It's one of
14 Amazon's biggest warehouses in the state,
15 with nearly 1,000 full-time employees. It's
16 also one of the most dangerous in the entire
17 state, with one in five workers getting
18 injured every year.

19 With the rise of e-commerce,
20 warehouses are being designed for profit and
21 to get products out quickly, not for human
22 bodies, and workers are paying the price.
23 The Warehouse Worker Injury Reduction Act
24 would require warehouses to be designed for

1 safety first, with annual evaluations by
2 ergonomics experts to identify hazards.

3 Thank you.

4 CHAIRWOMAN KRUEGER: Thank you.

5 Next.

6 MS. KREYCHE: Good evening, everyone.
7 Thank you for staying late.

8 My name is Emma Kreyche. I'm the
9 director of advocacy, outreach and education
10 at the Worker Justice Center of New York.
11 We're a nonprofit legal services and advocacy
12 organization that serves low-wage workers
13 throughout a very large portion of New York
14 State, including the Hudson Valley all the
15 way up to the North Country and out to
16 Buffalo.

17 We serve the state's most vulnerable
18 workers. We're talking about farmworkers,
19 day laborers, landscapers, hospitality and
20 restaurant workers and others -- you know,
21 people whose essential labor really sustains
22 our local economies but are too often left
23 unprotected from workplace exploitation and
24 abuse.

1 So what we are seeing is that workers
2 are struggling to make ends meet, often
3 working multiple jobs, with limited access to
4 safety-net resources and are also facing very
5 significant barriers to addressing labor law
6 violations when they occur.

7 So today I want to talk about three --
8 very briefly talk about three legislative
9 proposals that should be incorporated into
10 the budget that address the interrelated
11 issues of wages, safety-net protections and
12 labor law enforcement.

13 And I also want to register our strong
14 opposition to the proposed limits on
15 liquidated damages for frequency-of-pay
16 violations that have already been discussed
17 this evening. And if you want to ask me
18 questions about that, I can elaborate on our
19 position.

20 So the first bill I want to mention is
21 the Upstate Parity and Minimum Wage
22 Protection Act, which Theo has already spoken
23 on it. You know, as it stands, New York's
24 minimum wage will be lower in

1 inflation-adjusted dollars in 2026 than it
2 was in 2019. And this bifurcated minimum
3 wage structure fails upstate workers in
4 particular by keeping wages well below the
5 statewide living wage of \$21 an hour.

6 So the very least we can do is raise
7 the floor to \$17 an hour statewide by 2026,
8 as this bill does.

9 We also must eliminate those loopholes
10 that would deny our most vulnerable
11 minimum-wage workers a raise if there is even
12 a slight -- I'm talking 0.5 percent -- uptick
13 in our historically low unemployment rate.
14 So we need to address those wage-freeze
15 threats urgently.

16 Secondly, I want to advocate for
17 passage of the Unemployment Bridge Program.
18 This is a bill that would provide
19 unemployment protections to an estimated
20 750,000 workers who are currently excluded
21 from traditional UI, including freelancers,
22 self-employed workers, undocumented folks,
23 and certain cash economy workers. We're
24 talking about people earning under 56K. So

1 really our most vulnerable workers, again.

2 This is a capped appropriation at
3 500 million. It's revenue-neutral because we
4 have the Digital Ad Tax incorporated into the
5 bill. We know there are a whole host of
6 issues related to UI that we have to address.
7 This is a parallel program. It does not rely
8 on employer tax.

9 Lastly -- I have 5 seconds -- I want
10 to advocate for the Empire Worker Protection
11 Act, which would generate \$103 million in
12 revenue for the Department of Labor, which we
13 all know we need for enforcement.

14 CHAIRWOMAN KRUEGER: Thank you.

15 I know Senator Ramos had a question.

16 SENATOR RAMOS: Hi, Crystal, how are
17 you.

18 When we passed the Warehouse Worker
19 Protection Act in 2022, The Business Council
20 issued a memo of opposition saying it would
21 result in frivolous lawsuits and, quote,
22 unquote, a perpetual presumption of
23 retaliation.

24 We passed the bill, and now it's been

1 in effect for about half of a year. What
2 kind of spike have your members who are
3 covered by the law seen in frivolous
4 lawsuits?

5 MS. GRIFFITH: That's a great
6 question. And off the bat I'm going to tell
7 you that is a question for our HR director,
8 Frank Kerbein, who handles those situations
9 from our members. So I'll be very honest, I
10 don't have that answer.

11 SENATOR RAMOS: Well, let me elaborate
12 a little more so that you can relay to him --

13 (Overtalk.)

14 MS. GRIFFITH: But from what I do know
15 right now, we haven't heard anything --

16 SENATOR RAMOS: -- in fact, Amazon
17 increased their employment footprint in
18 New York, California and Washington, all
19 states with similar quota regulation
20 legislation, in 2023, after the law was
21 enacted, throwing doubt on the anxiety that
22 Amazon would be dissuaded from investing in
23 states that stand up for their workers.

24 So I would ask that you relay to your

1 colleague who heads up the HR division that
2 perhaps opposing legislation that keeps
3 workers safe is not so bad for business after
4 all.

5 Theo, I'm wondering from you if you
6 can go into greater detail on the potential
7 impact the minimum wage indexing off-ramps
8 might have on New York's low-wage workforce.
9 Who makes up the workforce, and what kind of
10 sectors are they in?

11 MR. MOORE: So the workforce is
12 primarily women of color all across the
13 state. They're working in retail, they're
14 working in hospitality. And really it's --
15 because it comes at times when there might be
16 a potential economic downturn, it actually
17 would have a reverse impact because those
18 would be the workers who would most need an
19 increase in their wages, that quite frankly
20 would take away from potential economic
21 upturn because those workers, once again,
22 would be spending that extra money in their
23 neighborhoods, putting that money back into
24 the economy.

1 So it actually, you know, would
2 potentially have the reverse effect that they
3 think it would have.

4 SENATOR RAMOS: Emma, do you think
5 that in solving this wage-disparity issue,
6 upstate versus downstate, do you think that
7 there would be a significant pump in
8 upstate's economy as a result of this
9 legislation?

10 MS. KREYCHE: I think what we know
11 from the Fight for 15, what we know
12 historically is that when wages go up, so
13 does consumer spending, and that that fuels
14 economic growth, right? That is a
15 well-established pattern.

16 So yes, I do. You know, this is
17 not -- this is -- we're talking about a
18 floor, right? You cannot live on \$16 an hour
19 in upstate New York in a dignified fashion.
20 You cannot live like that. So that is
21 precisely -- is that for me?

22 SENATOR RAMOS: Thank you.

23 MS. KREYCHE: Yes, sorry.

24 CHAIRWOMAN KRUEGER: (Inaudible.)

1 ASSEMBLYMAN BRONSON: Yes. So first
2 of all, thank you for highlighting the
3 Upstate Parity and Minimum Wage Act and
4 highlighting the importance of dealing with
5 the disparity from upstate and downstate.
6 And also highlighting that the off-ramp is
7 very problematic, especially for folks who
8 are in certain industries and oftentimes
9 people of color. So I look forward to
10 working with you on that.

11 We did have a great step forward with
12 getting it indexed. You may or may not know,
13 you know, through the years -- and I started
14 this minimum wage battle in 2004 -- the
15 Assembly always requested indexing, but we
16 could never get it through. And finally we
17 got that. So that's a really good step
18 forward. But it's not enough.

19 And your point about every time we
20 have raised the minimum wage, the economy has
21 benefited, because low-wage earners
22 immediately go out and spend it and so they
23 are consumers who are putting it right back
24 into the economy.

1 So no questions, I just look forward
2 to working with you on that as well as the
3 Warehouse Safety Act, and we'll go forward
4 with the Senator on both of those bills. I
5 look forward to doing that.

6 Question for you, though, Crystal. In
7 workforce development we know -- I mean, we
8 always -- when I was chair of Economic
9 Development, you heard from every employer:
10 I can't find skilled workers. So you have
11 workforce development, job training, skills
12 training, career education, all of that
13 combined to get workers the skills they need
14 to take jobs.

15 My question for you and The Business
16 Council is, what efforts are you doing to
17 make sure your outreach is connecting
18 marginalized communities and individuals who
19 have been on the economic sidelines for far
20 too long?

21 MS. GRIFFITH: Thank you for that.

22 So for us, it's -- and especially my
23 role, like we do a great job at connecting
24 those individuals, and people who are working

1 with them, with groups or businesses that's
2 doing that work.

3 So for example, right here, our
4 Capital Region Workforce Development Board,
5 we talk to them all the time, we work with
6 them. They're doing the on-the-ground work
7 with people who need help, who need to get
8 into training programs to get into jobs.

9 Also there are workforce development
10 boards all around the state, the state ones.
11 There are also smaller ones. We work to say
12 our businesses are doing this. We send out
13 information -- that's not just limited to our
14 members -- via email, we do webinars, we
15 invite people to connect with each other. We
16 have events that connect those people.

17 So we're working directly with our
18 workforce development boards. We work with
19 higher education institutions. We also have
20 P-TECH where we work to help students get
21 into those roles to directly, you know, help
22 schools work with businesses.

23 So we're doing that connective work,
24 and we think that's one of the things that we

1 do some of our best work in also.

2 ASSEMBLYMAN BRONSON: Okay, thank you
3 very much. Appreciate it.

4 MS. GRIFFITH: Thank you.

5 CHAIRWOMAN KRUEGER: Thank you.

6 Senator Martins.

7 SENATOR MARTINS: Thank you.

8 I'm going to pick up on that last
9 question as well, Crystal. You know,
10 workforce development -- the economy has
11 changed, frankly, over the last 10, 20,
12 30 years where skill sets that were important
13 back then aren't important today, and other
14 skill sets are.

15 You know, can you tell me, in your
16 experience, the importance of the business
17 community working with our government,
18 community colleges -- you know, not
19 everything requires a two- or four-year
20 degree -- certificate programs or
21 apprenticeship programs through so many of
22 our building trades out there. How do we
23 connect people and skill sets to jobs?

24 MS. GRIFFITH: By making sure we're

1 identifying what the actual skill sets are
2 for those jobs.

3 So we work closely with the U.S.
4 Chamber too, and that's something -- just
5 last week we had a conversation on them where
6 we do feel that some jobs need to make sure
7 that we're identifying what the actual
8 requirements are for jobs.

9 So for example, some jobs might say
10 you have to have a license to be in this
11 role, but really what they're asking for you
12 to have is some type of photo ID to show. So
13 you might not need to drive at all.

14 So now we need to redefine and make
15 sure we have the correct requirements for
16 jobs so that people aren't misguided so that
17 they aren't turned away or, you know, feel,
18 hey, I'm not qualified for this job.

19 It's important also for the connection
20 between the higher education institutions and
21 businesses to be working together, because
22 the higher education institutions not only
23 are they working with students, but they work
24 with the community also. A lot of higher

1 education institutions, they have community
2 programs. You mentioned conflict certificate
3 programs. There are also micro-credentialing
4 programs that institutions have that work
5 directly with the businesses to say, these
6 are the exact skills that they need and to
7 then work with them on attaining those
8 skills. Some of those micro-credentials you
9 can earn in a short amount of time.

10 And a lot of them also -- you are
11 hired on the job and they'll train you, that
12 the businesses want to do the training --
13 they just want the loyal workforce. And when
14 you come to them, they'll do the training for
15 you, they're open to doing the training.

16 And we've also seen an increase in
17 that, where businesses are taking on the
18 responsibility of doing the training
19 themselves and reevaluating, you know, what
20 experience a person has and saying, Hey,
21 where can we best fit you? Or what
22 experience do you have and what can we train
23 you in so that we can get you into a role
24 with us?

1 SENATOR MARTINS: Thank you.

2 Chair, that's all I have. Thank you.

3 CHAIRWOMAN KRUEGER: Thank you.

4 Assembly.

5 ASSEMBLYMAN BRONSON: Yes,

6 Assemblymember Giglio.

7 ASSEMBLYWOMAN GIGLIO: Yes. So thank

8 you all for being here.

9 Crystal, I have a question for you.

10 So all these manufacturing jobs where they
11 are seeking workers, do you think that if the
12 state gave tax credits for manufacturers to
13 provide childcare on-site, that that would
14 help fill those positions? Number one.

15 And then, Theo, for you, I am curious
16 about the training and OSHA certifications
17 that may or may not be happening in a
18 warehouse setting -- but I feel are very
19 important, even if it's only an OSHA 10
20 course -- so to let people know what the
21 harms are in working in that environment.

22 So I just want to get both of your
23 feelings on those things.

24 MS. GRIFFITH: So childcare, yes, yes,

1 yes. Childcare is always going to be a
2 priority. It's a workforce issue, and that's
3 why we've advocated behind childcare so much,
4 because we recognize that there's a childcare
5 issue.

6 Do I think that if the state were to
7 implement investments into helping
8 manufacturers be able to provide childcare to
9 their workers, do I think it will be taken --
10 people will be able to use it, yes. Do I
11 think that manufacturing businesses will say,
12 Hey, this is an opportunity, at least let's
13 give it a shot and see where it goes? Yes.
14 No one's going to just turn that down and,
15 you know, not utilize it or take advantage of
16 the opportunity.

17 So I do think so, yes.

18 ASSEMBLYWOMAN GIGLIO: Yeah, because
19 they'd be taking away manufacturing space to
20 provide the childcare, so -- but they would
21 also provide the training for good employment
22 and higher wages in the manufacturing
23 industry.

24 MS. GRIFFITH: Yes. And in a lot of

1 manufacturing spaces you're coming onsite and
2 you're getting training regardless. I know
3 you asked about what skills someone has, or
4 requirements, but a lot of these -- or some
5 manufacturing businesses are doing their
6 trainings at any level that you're coming in,
7 there's some type of training for you.

8 ASSEMBLYWOMAN GIGLIO: Yeah. Every
9 manufacturer that I see on Long Island is
10 saying we're hiring, we'll train.

11 MS. GRIFFITH: They do it for you,
12 yes. Correct. At every level, too, within
13 their company, so that you can have growth.
14 Because like I said, they want -- they want
15 people to stay. So we're going to train you
16 as you go so you can grow throughout our
17 company also.

18 ASSEMBLYWOMAN GIGLIO: Yup. And there
19 aren't enough women in the manufacturing
20 plants, so I think it would bring more women
21 into the field.

22 MS. GRIFFITH: Agreed. Agreed.

23 ASSEMBLYWOMAN GIGLIO: Okay, Theo,
24 please.

1 MR. MOORE: So one thing about the
2 legislation is that the act would actually
3 provide better worker training, improved
4 on-site medical care, and consistent safety
5 standards across the industry.

6 A lot of times we do see, you know,
7 injuries because of the pace of warehouses,
8 but a lot of times it's simply because of the
9 jobs that people have that have them in
10 certain positions -- standing, you know, all
11 day, hunched over, you know, the multiple --
12 you know, the movements that they're making
13 that actually leads to a lot of the injuries.

14 So there are provisions in the law
15 that, you know, once again would have those
16 ergonomics experts really evaluating the
17 situation on a yearly basis to improve those
18 conditions as well.

19 ASSEMBLYWOMAN GIGLIO: Yeah, I would
20 love to see some of those conditions if you
21 have something written up.

22 MR. MOORE: Yeah.

23 ASSEMBLYWOMAN GIGLIO: I think we
24 would all like to see that, yes.

1 Thank you both.

2 MR. MOORE: Thank you.

3 ASSEMBLYWOMAN GIGLIO: And thank you
4 also.

5 CHAIRWOMAN KRUEGER: Thank you.

6 I'm the last Senator, the last
7 legislator? Okay.

8 Thank you all for your time tonight.

9 For The Business Council, so you gave
10 the numbers about the number of unemployed,
11 the number of job openings, et cetera,
12 et cetera. So can I infer that The Business
13 Council membership actually doesn't have a
14 problem with people without U.S. citizenship
15 applying for jobs and working for them?

16 MS. GRIFFITH: So I would not say
17 that's fair to infer -- and we've talked to
18 our membership about this. Our businesses,
19 they want to be able for migrant workers to
20 eventually join their workforce, but they are
21 going to make sure that they need to be
22 legally able to work.

23 Our businesses are not going to put
24 themselves at risk, where now they're held

1 accountable because they have someone who was
2 not legally able to work, working for them.
3 In all industries, right, not just in
4 manufacturing -- in all of the business that
5 we represent.

6 So businesses are open to this -- to
7 this and to welcome this population and this
8 community, but -- I mean, as you all know, on
9 the federal level there's a lot that needs to
10 happen. So once individuals are legally able
11 to work, businesses are open to that.

12 CHAIRWOMAN KRUEGER: Which I think is
13 exactly what the State of New York was saying
14 in their responses, if they come to apply for
15 civil service jobs.

16 MS. GRIFFITH: Right.

17 CHAIRWOMAN KRUEGER: The other two
18 representatives, I gather you also don't have
19 a problem with people applying for jobs that
20 they are legally eligible to apply for and
21 working in your communities or in the areas
22 that you specialize in?

23 MS. KREYCHE: That's the American
24 dream. That's the American dream, right?

1 Yes, of course.

2 CHAIRWOMAN KRUEGER: I always thought
3 so.

4 MR. MOORE: I mean, even before the
5 recent of migration, newcomers,
6 asylum seekers, immigrants have not only been
7 bolstering and holding down multiple
8 industries across the state, quite frankly
9 they've been maintaining the population of
10 our state. So they're responsible for
11 maintaining industry and really communities
12 and really are a vital part to large sections
13 of our state. You know, think about Western
14 New York and what it would be without its
15 immigrant population. Think about, you know,
16 what our farming industry would be in
17 Central New York without our immigrant
18 population.

19 Quite frankly, you know, the economic
20 stability of this state really depends on,
21 you know, quite frankly, our immigrant
22 population and our Black and brown
23 population, and we really have to respect
24 that and give them their due.

1 CHAIRWOMAN KRUEGER: Thank you.

2 So with that, I'm going to thank you

3 all for your time with us tonight.

4 Appreciate your hanging out to the end.

5 Thank you, all the legislators who have hung

6 out with us through the end of the hearing.

7 I'm going to officially say that this

8 hearing is completed. But if you want to

9 come back here tomorrow morning at 9:30, we

10 get to start all over again with a new set of

11 topics with Human Services.

12 So thank you all. Get home safe.

13 Thank you.

14 (Whereupon, the budget hearing

15 concluded at 7:43 p.m.)

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