

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 2025-2026 EXECUTIVE BUDGET ON
LABOR/WORKFORCE DEVELOPMENT

6 -----

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

10 February 26, 2025
9:38 a.m.

11

12 PRESIDING:

13 Senator Liz Krueger
Chair, Senate Finance Committee

14
15 Assemblyman J. Gary Pretlow
Chair, Assembly Ways and Means Committee

16

17 PRESENT:

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

19
20 Assemblyman Edward P. Ra
Assembly Ways & Means Committee (RM)

21 Senator Jessica Ramos
Chair, Senate Committee on Labor

22
23 Assemblyman Harry B. Bronson
Chair, Assembly Committee on Labor

24

1 2025-2026 Executive Budget
Labor/Workforce Development
2 2-26-25

3 PRESENT: (Continued)

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

6 Assemblywoman Stacey Pheffer Amato
Chair, Assembly Committee on
7 Governmental Employees

8 Senator Steven D. Rhoads

9 Assemblyman Joe DeStefano

10 Assemblywoman Jo Anne Simon

11 Senator Alexis Weik

12 Assemblyman Jonathan G. Jacobson

13 Assemblyman Michael Durso

14 Senator John Liu

15 Assemblywoman Jodi Giglio

16 Assemblyman Matt Slater

17 Assemblyman Angelo Santabarbara

18 Senator Mario R. Mattera

19 Assemblyman Patrick Burke

20 Assemblywoman Gabriella A. Romero

21 Senator Nathalia Fernandez

22 Assemblyman Alex Bores

23 Assemblyman Clyde Vanel

24 Assemblywoman Yudelka Tapia

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3 PRESENT: (Continued)

4 Senator Jabari Brisport

5 Assemblyman Al Taylor

6 Assemblyman Patrick J. Carroll

7 Assemblyman Steven Otis

8 Senator Peter Oberacker

9 Assemblyman Tony Simone

10 Assemblywoman Nikki Lucas

11 Senator Christopher J. Ryan

12 Assemblywoman Judy Griffin

13

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16 Roberta Reardon
 Commissioner

17 Department of Labor
 -and-

18 Timothy Hogue
 Commissioner

19 NYS Department of
 Civil Service

20 -and-

Michael N. Volforte

21 Director
 NYS Governor's Office of

22 Employee Relations
 -and-

23 Clarissa Rodriguez
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24 NYS Workers' Compensation Board 11 43

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6	CSEA Local 1000 AFSCME, AFL-CIO -and-	
7	Randi DiAntonio Vice President	
8	NYS Public Employees Federation (PEF)	
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6	Association of Community		
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10	Ellie Fitzgerald		
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11	TEACHMEducation Services		
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1 CHAIRWOMAN KRUEGER: Good morning,
2 everyone. We're going to start, so if you
3 would take your seats, please. Thank you
4 very much for your attention and your
5 timeliness, and I know that other colleagues
6 will be joining us as we move along.

7 Hi, I'm Liz Krueger, chair of the
8 Finance Committee. To my left is Gary
9 Pretlow, chair of Ways and Means. We take
10 turns running these hearings. Today is my
11 turn. I'll do the opening statement
12 officially in a few seconds, but I just want
13 to go over some of the standard rules of the
14 road, because if you don't sit here every day
15 of your life the way some of us do, you might
16 not know this.

17 You'll see clocks everywhere. They
18 tell you how long you have to testify. Our
19 government invited witnesses get 10 minutes
20 each. Everyone in all the panels after the
21 government invited witnesses only gets three
22 minutes each.

23 Legislators are allowed to ask
24 questions. The chairs of the relevant

1 committee get 10 minutes with the government
2 representatives; the rankers get five
3 minutes. Everyone else gets three minutes.

4 Very important for those of us who are
5 the legislators: That clock is the amount of
6 time you have both to ask a question and get
7 it answered.

8 We do this every day, and it doesn't
9 work every day. If you spend your three
10 minutes asking a question, you will get no
11 answer. They don't get extra time to answer
12 when you take all your time asking the
13 questions.

14 Some of us just like to make speeches.
15 And you get three minutes to make your
16 speech, but then you're not going to have a
17 question or an answer. So just please think
18 it through in advance.

19 And everybody who's testifying,
20 whether you're getting 10 minutes or
21 three minutes, some of you walk in with
22 testimony that's 20 pages long. We
23 appreciate that. Everyone's testimony,
24 government and citizenry, goes up on our

1 websites in the Senate and the Assembly for
2 everyone in the State of New York to read.
3 We all have access to it.

4 If you try to read it, you're going to
5 get through the first introductory page in
6 your amount of time. So bullet-point the
7 priorities for you that you want to make sure
8 we know. Even say, When you get to read my
9 testimony, you're going to be really
10 interested in page 17. Okay? But don't try
11 to read it, because then I just cut you off
12 and I feel mean. But I will cut you off.

13 I think those are the basic rules of
14 the road. Okay, we have two hearings today,
15 so we're really feeling like we need to go at
16 double pace. And we appreciate everybody's
17 time and attention. So now I'm going to
18 officially read the opening comments which
19 are required.

20 So good morning. I'm Liz Krueger,
21 chair of the State Senate Finance Committee,
22 cochair of today's budget hearing.

23 Today is the 11th of 14 hearings
24 conducted by the joint fiscal committees of

1 the Legislature regarding the Governor's
2 proposed budget for state fiscal year
3 '25-'26.

4 These hearings are conducted pursuant
5 to the New York State Constitution and
6 legislative law.

7 Today the Senate Finance Committee and
8 the Assembly Ways and Means Committee will
9 hear testimony concerning the Governor's
10 proposed budget for the New York State
11 Department of Labor, State Department of
12 Civil Service, and the Governor's Office of
13 Employee Relations. Oh, also Workers' Comp,
14 so excuse me. That should have been on the
15 list.

16 Let's see. Following each testimony
17 there will be some time for questions from
18 the chairs of the fiscal committees and other
19 legislators.

20 I'm going to now introduce members of
21 the Senate. Assemblymember Gary Pretlow, who
22 is the chair of Ways and Means, will
23 introduce his members. And then we will turn
24 to our rankers, Tom O'Mara for the Senate and

1 Assemblymember Ra for the Assembly, to
2 introduce their members.

3 So just to start, let me make sure I
4 have the list. And again, more people will
5 come in during the day and we'll introduce
6 them as they get here.

7 We have Senator Liu, Senator Jackson,
8 and Senator Chris Ryan from the Senate so
9 far.

10 And Assembly?

11 CHAIR PRETLOW: Thank you, Senator.

12 Good morning, everyone.

13 Today we have the chair of our
14 Labor Committee, Harry Bronson; the chair of
15 Government Operations, Stacey Pheffer Amato.

16 Also joining us are Assemblymembers
17 Bores, Vanel, Tapia, Taylor, Carroll and
18 Otis.

19 CHAIRWOMAN KRUEGER: And Senator
20 Tom O'Mara, to introduce the Republicans.

21 SENATOR O'MARA: Thank you.

22 We're joined by our ranking member on
23 the Labor Committee, Steve Rhoads; our
24 ranking member on the Civil Service

1 Committee, Alexis Weik; and Senator Rob
2 Rolison.

3 CHAIRWOMAN KRUEGER: Assemblymember
4 Ra?

5 ASSEMBLYMAN RA: Good morning.

6 We have our ranker on Labor,
7 Assemblyman Michael Durso; our ranker on
8 Government Employees, Assemblyman Joe
9 DeStefano; and Assemblyman Matt Slater.

10 CHAIRWOMAN KRUEGER: And again, just
11 before we start the testimony, for any
12 legislators who think they have questions
13 they want to ask, get to your chair or your
14 ranker up here and let us know so that we put
15 you on the list, instead of your thinking
16 you're on a list and then being upset that we
17 didn't call on you.

18 With that, we're going to start with
19 Commissioner Reardon from the Department of
20 Labor first.

21 DOL COMMISSIONER REARDON: Good
22 morning.

23 CHAIRWOMAN KRUEGER: Good morning.

24 DOL COMMISSIONER REARDON: Now it's

1 on. Good morning. I'd like to begin by
2 acknowledging Chairs Krueger and Pretlow.
3 Thank you so much for inviting me to testify
4 today.

5 Distinguished members of the
6 committee, thank you for giving me this
7 opportunity to discuss Governor Kathy
8 Hochul's Executive Budget and provide details
9 on our efforts at the Department of Labor. I
10 am Roberta Reardon. I'm the New York State
11 Commissioner of Labor.

12 The work of this committee and the
13 entire Legislature is vital to the
14 department's mission, and we truly value your
15 partnership. Together we continue to
16 champion our workforce, passing strong laws
17 that preserve and protect both workers and
18 businesses alike.

19 The Legislature and my department
20 continue to put in the work to maintain our
21 synergy for the betterment of New York State.
22 I have met one-on-one with many of you and
23 your esteemed colleagues over the past year.
24 You know, transparency is a top priority to

1 Governor Hochul, and I want you to know that
2 our doors will remain open to you this year
3 and beyond.

4 Your constituents have high
5 expectations. In this modern age we all have
6 a heightened sense of urgency. And as an
7 agency that has undergone a rapid but
8 necessary transformation, we are in a better
9 position now more than ever not only to meet
10 their expectations -- we aim to exceed them.

11 One issue that impacts every worker,
12 business and community across New York State
13 is wage theft. The Governor's proposal to
14 strengthen our enforcement capabilities will
15 enhance our ongoing effort to crack down on
16 bad actors. Her plan will give us the
17 authority to levy liens and seize financial
18 assets following an unpaid wage theft
19 judgment. This will help us get money
20 directly back into the pockets of hardworking
21 New Yorkers. It also sends a powerful
22 message that there is zero tolerance for wage
23 theft in New York State.

24 Since 2017 the department has

1 recovered and disbursed more than
2 \$243 million in stolen wages. Last year
3 alone, our investigations recovered nearly
4 \$34 million in wages for over 46,000 workers.
5 We continue to work with law enforcement and
6 labor partners to recover funds for
7 New Yorkers.

8 You now have unprecedented access to
9 our work in this space through our new wage
10 theft investigation dashboard, which provides
11 comprehensive information on wage violation
12 cases, wages returned to workers, and
13 penalties levied against violators.

14 The Governor vowed to make New York
15 the safest state in the nation, and that
16 extends to protecting the youngest members of
17 our workforce. Young New Yorkers are the
18 future of our economy, and early negative
19 work experience can impact their career
20 aspirations for years to come. Which is why
21 Governor Hochul is advancing legislation to
22 strengthen child labor protections. She
23 wants to raise the maximum civil penalties
24 and establish felony-level criminal charges

1 for violations that seriously injure our
2 youngest members of the workforce.

3 We also want to make entering the
4 workforce as simple as possible for young
5 New Yorkers, but in order to do that we need
6 to meet them where they are. The Governor is
7 aware of that, which is why she wants to
8 bring the working papers system into the
9 digital age.

10 Taking this step will be
11 transformative not only for young workers,
12 but it will reduce the burden on employers
13 and streamline the hiring process. We want
14 to make it as efficient as possible for
15 workers just starting to get ready to jump
16 into the workforce.

17 Governor Hochul's focus on health and
18 well-being also extends to families in the
19 workplace. As the first mother to serve as
20 Governor of New York State, she understands
21 the struggle of balancing family and work.
22 Thanks to Governor Hochul, New York is the
23 first state in the nation to offer paid
24 prenatal leave to pregnant workers. This

1 means never having to choose between a
2 paycheck and a checkup.

3 Paychecks across the state are
4 growing, thanks to the minimum wage increase.
5 The state's lowest earners just received a
6 bump in their pay by 50 cents per hour. The
7 minimum wage will rise again next year before
8 increases are tied to the rate of inflation.

9 Prenatal leave and the rising minimum
10 wage are just two of the many initiatives the
11 Governor has implemented in her effort to
12 make New York a more affordable place in
13 which to raise a family.

14 In order to better set New Yorkers up
15 for success, especially the unemployed or
16 underemployed, they must be able to learn the
17 skills they need to succeed. Workforce
18 development is absolutely essential to our
19 economic survival.

20 We continue to lean on successful
21 workforce development models, including
22 registered apprenticeships, which help guide
23 New Yorkers into stable, fulfilling and
24 family-sustaining careers.

1 Registered apprenticeships give
2 thousands of New Yorkers access to a
3 debt-free form of higher education that is a
4 job from day one. To begin a career with
5 little or no debt these days is the very
6 definition of affordable higher education.

7 The Governor continues to champion
8 registered apprenticeships. Her budget calls
9 for \$10 million in new state funding to
10 augment the expansion of these programs and
11 grow opportunities for the next generation of
12 our young workers.

13 I want to thank our esteemed Labor
14 Chairs Senator Ramos and Assemblymember
15 Bronson for joining me in November for our
16 grant announcements supporting programs in
17 their regions. While we have more than
18 17,000 active apprentices participating in
19 around 900 programs across the state right
20 now, more can and will be done. We are
21 working with partners to explore ways to grow
22 and enhance programming.

23 The department is also focused on
24 strengthening workforce development for young

1 New Yorkers. The Governor is proposing
2 \$8 million for training in key industries
3 such as artificial intelligence,
4 cybersecurity, advanced manufacturing,
5 healthcare, education and more.

6 This will involve collaborating with
7 businesses, schools and community
8 stakeholders to establish successful pathways
9 for jobseekers and high school students. By
10 investing in the next generation now, we are
11 fortifying the future of our economy.

12 We're also busy building the next
13 generation of the Unemployment Insurance
14 system. We are now in the testing phase to
15 ensure it works well for our customers. Once
16 completed, this effective and efficient
17 system will be a model for the entire nation.

18 The Department of Labor is so far from
19 the agency we were just a few years ago, and
20 I continue to marvel at our metamorphosis.
21 We embraced evolution, and it has positioned
22 us for continued improvement for years to
23 come. With your support we have laid a very
24 strong groundwork. The foundation remains

1 solid, fueled by the strength of dedicated
2 civil servants who are committed to
3 supporting the needs of their neighbors.

4 Now we focus on the future, a future
5 that seems brighter each year, thanks to the
6 leadership of Governor Hochul and the
7 partnership of you, the Legislature. And
8 with the support of this budget, we can
9 continue to work together to build the
10 strong, innovative and inclusive economic
11 future that our state deserves.

12 So thank you for inviting me, and I
13 now welcome your questions.

14 CHAIRWOMAN KRUEGER: Thank you. We're
15 going to reserve questions until all of you
16 go.

17 DOL COMMISSIONER REARDON: Perfect.

18 CHAIRWOMAN KRUEGER: So the next up is
19 Timothy Hogue, from the New York State
20 Department of Civil Service.

21 Good morning.

22 DCS COMMISSIONER HOGUES: Good
23 morning.

24 Good morning, Chairs Krueger, Pretlow,

1 Jackson, Amato, Ramos, and Bronson, as well
2 as distinguished members of your respective
3 committees. My name is Timothy Hogue, and I
4 am pleased to serve as the commissioner of
5 the Department of Civil Service and the
6 president of the Civil Service Commission.

7 I appreciate the opportunity to appear
8 before you to comment on Governor Hochul's
9 Executive Budget for fiscal year 2026, and to
10 highlight all we are doing to build
11 tomorrow's workforce today.

12 Since she has taken office,
13 Governor Hochul has made it a top priority to
14 rebuild the New York State workforce to
15 reflect the people that we serve. And over
16 the past year, Team Civil Service has been
17 focused on achieving this goal.

18 An impactful strategy that we
19 implemented is the NY HELPS program, which
20 launched in 2023 and was expanded in 2024.
21 This program, which temporarily waives the
22 entrance exam for nearly all jobs open to the
23 public, has resulted in nearly 24,000
24 appointments at the state level and nearly

1 6,000 appointments at local government
2 agencies.

3 I want to underscore that NY HELPS has
4 been a huge success in allowing state
5 agencies and municipal governments to hire
6 new employees more efficiently. And that is
7 why we recently sought approval from the
8 Civil Service Commission to extend NY HELPS
9 for an additional year through June of 2026
10 as we continue our merit system hiring
11 transformation.

12 The message has been simple and clear:
13 It is easier than ever to get a job with
14 New York State, and now is the time to apply.

15 To amplify this message, we
16 implemented a highly successful marketing
17 campaign -- in English and in Spanish -- to
18 promote the virtues, benefits, and diverse
19 opportunities available as a New York State
20 public servant. Building on this success,
21 Governor Hochul is proposing continued
22 funding to allow for additional campaigns in
23 the future.

24 As part of our campaign, we are

1 promoting the great benefits available to
2 public employees. Through NYSHIP, we are
3 proud to ensure that its over 1.2 million
4 members have access to high-quality providers
5 and services. We are pleased to report that
6 there was a zero percent increase for
7 enrollees of the Empire Plan for 2025, and
8 this was due to the department's rebid of its
9 pharmacy benefit manager contract. The new
10 contract agreement is a five-year agreement
11 and is estimated to save more than
12 \$600 million annually.

13 In 2024, we also launched new Centers
14 for Careers in Government. We announced the
15 opening of the first center here in the
16 Capital Region in September, and since then
17 all 10 centers have opened in regions across
18 the state. Civil Service staff at these
19 centers collaborate with our partners at the
20 Department of Labor to provide comprehensive
21 support to assist jobseekers.

22 And we're not done yet. 2025 is sure
23 to be another pivotal year. For years we've
24 heard concerns that exams are offered too

1 infrequently and at inconvenient times over
2 the weekend. Enter our new computer-based
3 testing centers. We anticipate opening nine
4 centers by the end of this calendar year, and
5 all 12 testing centers will be open by the
6 end of 2026.

7 Coupled with waiving civil service
8 exam fees through June of 2026, these centers
9 will boost access to exams in regions all
10 across the Empire State.

11 The law enforcement field is one that
12 will greatly benefit from the new testing
13 centers. Ensuring that New York's
14 communities are safe is a top priority for
15 Governor Hochul, and she has proposed several
16 legislative and administrative actions aimed
17 directly at bolstering the ranks of public
18 safety officials.

19 Further, we realize that not everyone
20 goes to college, and our stakeholders asked
21 us to consider the value of a candidate's
22 experience. So we are currently updating the
23 minimum qualifications for titles to allow
24 experience to substitute for college degrees

1 where appropriate.

2 In addition, we boosted pay for
3 licensed engineers and other similar titles
4 requiring licensing, as well as for
5 professional traineeships and fellowships.

6 More broadly, the department is
7 undertaking a comprehensive study to
8 modernize the civil service pay structure,
9 which dates to the 1950s. This study is
10 being conducted to review cash and non-cash
11 compensation and benefits and recommend
12 strategies to ensure they are competitive
13 with both public and private employers.

14 We have also released a request for
15 proposal for a new job evaluation solution to
16 allow the department to value jobs accurately
17 and consistently, and affirm pay equity for
18 jobs across diverse occupations.

19 Finally, the department is currently
20 undertaking a comprehensive strategic
21 planning effort to engage a variety of
22 stakeholders and develop the future vision
23 for the civil service merit system. This
24 transformation will focus on customer

1 service, sustainability, and on-boarding best
2 practices aimed at recruiting the next
3 generation of public employees and leaders.

4 As part of this effort, the department
5 will leverage technology to develop a
6 customer-friendly, fully accessible,
7 innovative jobs portal and applicant
8 management system. The new system will
9 ensure we build a workforce that mirrors the
10 diversity and ability of all New Yorkers.
11 The ultimate goal is to develop new automated
12 processes to improve the experiences of both
13 candidates and HR professionals and orient
14 hiring practices toward matching the most
15 qualified candidates with open positions
16 quickly, efficiently, and equitably.

17 Our work, under Governor Hochul's
18 leadership, contributes to the noble and
19 basic philosophy that public servants should
20 earn a solid, decent wage, which in itself
21 helps lift up and support the middle class.

22 I would be remiss if I did not give a
23 proper shout-out to Team Civil Service. None
24 of this would be possible without the

1 dedicated employees of our department.
2 They're willing to listen, and they're eager
3 to implement changes so that Civil Service
4 can better support the future success of our
5 customers.

6 And I'd like to take this time to
7 thank you, our partners in the Legislature.
8 Your investments allow us to be
9 forward-thinking and innovative in our
10 solutions, while being responsive to the
11 needs and concerns of our customers. With
12 your support and partnership, we will
13 continue to remove barriers and improve the
14 process to bring in and retain the best and
15 the brightest for New York State Government.

16 Thank you.

17 CHAIRWOMAN KRUEGER: Thank you.

18 And next is Michael Volforte, New York
19 State Governor's Office of Employee
20 Relations.

21 GOER DIRECTOR VOLFORTE: Good morning,
22 and thank you.

23 Good afternoon Chair Krueger,
24 Chair Pretlow, other respected chairs and

1 honorable members of the Assembly and Senate.
2 My name is Michael Volforte, and I am the
3 director of the New York State Office of
4 Employee Relations.

5 Thank you for the opportunity to speak
6 with you about Governor Hochul's Executive
7 Budget proposal for fiscal year 2026 as it
8 relates to our agency and the state
9 workforce.

10 Over the past year, we negotiated four
11 collective bargaining agreements covering
12 employees in law enforcement. All of these
13 agreements contained compensation increases
14 in each year of the agreement and introduced
15 cost-saving measures that preserve health
16 insurance benefits while helping to control
17 the growth of costs borne by both employees
18 and the state.

19 As was true with agreements in 2023,
20 all the agreements reached included paid
21 parental leave. This leave provides 12 weeks
22 of leave at full pay for bonding with a child
23 at birth, adoption, or foster care placement.
24 This benefit provides much needed time for

1 new parents to bond with new family members
2 without having to make undue financial
3 sacrifices.

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

11 Last year, in addition to negotiating
12 these contracts, OER undertook several
13 additional initiatives consistent with the
14 Governor's focus on making life affordable
15 for New York State government's hardworking
16 employees and their families.

17 Under the Governor's direction, after
18 the Legislature passed legislation
19 authorizing it, we eliminated the five-day
20 salary deferral program for most new state
21 employees.

22 OER also executed a public awareness
23 campaign highlighting the benefits of the
24 Public Service Loan Forgiveness Program to

1 our eligible employees and encourage them to
2 reduce the burden of repaying student loans.
3 This included social media campaigns and
4 directions to agencies on how to integrate
5 the Public Service Loan Forgiveness Program
6 into their intranet sites and on-boarding
7 materials for employees.

8 OER significantly increased the annual
9 cap on tuition reimbursement programs
10 available to our executive-branch employees
11 in multiple bargaining units. This helps
12 make it more affordable for our employees to
13 take the initiative to upgrade their skills
14 and open the door to new professional
15 opportunities. In many bargaining units,
16 employees can be reimbursed for up to \$5,000
17 of qualifying tuition expenses in this
18 calendar year, and with additional money
19 available for certain employee groups such as
20 registered nurses.

21 We also expanded the availability of
22 programs that offset some of the costs borne
23 by employees to renew licenses required to
24 perform their jobs.

1 In the coming year, we're excited to
2 continue our pursuit of initiatives
3 consistent with the Governor's emphasis on
4 making life more affordable for working
5 families. Under the Governor's leadership,
6 we have worked extensively with the Office of
7 State Comptroller and the Division of Budget
8 to develop the voluntary payroll advance for
9 new executive-branch employees that is
10 reflected in this year's budget proposal.

11 This implements the Governor's
12 direction that we mitigate the effect of the
13 lag payroll on our new employees and does so
14 in a way that minimizes administrative costs
15 and disruptions.

16 We're actively preparing for our next
17 round of bargaining with the employee unions
18 whose agreements expire in early 2026. The
19 Governor has directed my office to focus on
20 developing proposals that will further our
21 emphasis on affordability while ensuring that
22 the state has the operational flexibility it
23 needs to efficiently deliver services to all
24 New Yorkers.

1 OER will also be engaging our union
2 partners in a dialog about modernizing our
3 Employee Assistance Program and expanding its
4 focus on both the mental health and physical
5 well-being of our employees. The Governor
6 believes that there are significant
7 opportunities to work within the already
8 negotiated labor-management funding levels to
9 increase the value of EAP for employees, and
10 we are enthusiastic about pursuing that
11 vision.

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

20 This year, in collaboration with the
21 state's chief diversity officer and
22 chief disability officer, OER will roll out
23 video-based training on workplace
24 accessibility issues. This follows our

1 that allow employees to deal with the
2 affordability of healthcare, dependent care
3 and adoption expenses, and we will strive to
4 expand participation in the coming year.

5 In sum, under the Governor's
6 leadership our office is actively engaged in
7 support of programs that make life more
8 affordable for executive-branch employees and
9 their families and empower them to protect
10 their mental and physical well-being while
11 providing outstanding service.

12 Thank you.

13 CHAIRWOMAN KRUEGER: Thank you very
14 much.

15 And while we're not always joined by
16 the New York State Workers' Comp Board, there
17 were special requests for you to join us
18 today. So welcome, Clarissa Rodriguez, the
19 chair and commissioner.

20 WCB COMMISSIONER RODRIGUEZ: Thank you
21 so much. Happy to be here.

22 Good morning, Chairpersons Krueger,
23 Pretlow, Ramos and Bronson and other
24 distinguished members of the New York State

1 Senate and Assembly committees. Thank you
2 for this opportunity to testify before you
3 today at today's hearing.

4 My name is Clarissa Rodriguez, and I
5 am honored to serve as chair of the board.
6 I'm pleased to speak with you today as I know
7 we share a dedication to protecting and
8 serving New York's workers and employers.

9 Many things have changed in the more
10 than 110 years since the board has been
11 established, but our core mission -- to
12 protect the rights of employees and
13 employers -- has not wavered. As you know,
14 the board is a special revenue agency that
15 acts as a court system for the Workers'
16 Compensation Program and administers several
17 other important worker benefits.

18 We ensure that wage replacement and
19 medical benefits are in a timely manner
20 consistent with laws and regulations
21 governing workers' compensation, disability
22 benefits, and paid family leave, as well as
23 volunteer firefighter and volunteer ambulance
24 worker laws.

1 We also engage in outreach and
2 education on the important benefits we
3 administer and engage in other services to
4 help workers get back to work and resume
5 their daily lives.

6 The agency has a policymaking body of
7 13 board members, including myself and a vice
8 chair, who serve for seven-year terms and are
9 confirmed by the Senate. We're a full-time,
10 paid board made up of professionals from the
11 workers' compensation industry, business, and
12 labor from across the state.

13 Then we have our executive team,
14 deputy directors and remaining staff that
15 handle the day-to-day operations of the
16 board, for a total of 1,054 staff. We have
17 nine district offices as well as hearing
18 points and customer service centers
19 throughout the state.

20 And in October, the board was pleased
21 to reopen to the public for in-person
22 hearings and other services by appointment
23 for the first time since March of 2020. Our
24 virtual hearing center, which enabled the

1 board to operate uninterrupted during the
2 pandemic, continued to be the statewide
3 standard.

4 But today I'd like to focus on three
5 key areas of our work: Governor Hochul's
6 five-point plan to improve injured workers'
7 access to medical care in the workers'
8 compensation system; the many enhancements
9 that we've made to the system; and the 2025
10 updates that are putting more in workers'
11 pockets and providing savings for employers.

12 Let's start with Governor Hochul's
13 exciting proposals to transform medical
14 treatment in the workers' compensation
15 system. These include universally
16 authorizing all eligible licensed healthcare
17 providers in good standing to treat workers'
18 compensation patients. Currently only
19 providers authorized by the board may treat.
20 Universal authorization will enable injured
21 workers to see any licensed healthcare
22 provider who is willing to treat them,
23 including their own primary care provider.

24 Next, allowing resident and fellow

1 physicians to treat injured workers under a
2 supervising faculty member the same way that
3 they do for regular health insurance. This
4 will increase provider participation at
5 New York's renowned academic hospitals and
6 healthcare systems.

7 Also, amending the Insurance Law to
8 codify a 2006 general counsel opinion from
9 the Department of Financial Services
10 directing healthcare insurers to pay for
11 medical treatment for workers' compensation
12 claimants with no copay while their workers'
13 compensation claim is being disputed. This
14 ensures the workers get the medical treatment
15 they need and that providers will get paid in
16 a timely manner. If the claim is ultimately
17 compensable, the health insurer will be
18 reimbursed by the workers' compensation
19 insurer.

20 Next, amending the Workers'
21 Compensation Law so that workers'
22 compensation insurers can pay for medical
23 treatment without accepting liability for up
24 to one year in medical-only cases. In

1 addition to helping injured workers get
2 timely care, the provision requires insurers
3 to notify injured workers that such payments
4 are being made and that unless their claim is
5 disputed, they will automatically be accepted
6 at the end of the one-year mark.

7 And finally, increasing the board's
8 medical fee schedules. The Governor's plan
9 will ensure that board rates are consistently
10 higher than Medicare and in line with regular
11 health insurance.

12 The Governor's proposals complement
13 the many administrative actions that the
14 board has taken to increase provider
15 participation in the workers' compensation
16 system, including transitioning to a
17 universal billing form, creating an online
18 system for medical disputes, implementing
19 telehealth regulations, and reducing the need
20 for provider depositions.

21 Currently only 10 percent of licensed
22 medical providers in the state are authorized
23 to treat workers' compensation patients. The
24 Governor's proposals will significantly

1 expand the number of licensed medical
2 providers while making system improvements.

3 And these proposals are just a start.
4 The board looks forward to working with our
5 partners and the medical community to address
6 feedback and continue making the system
7 easier and better for providers to
8 participate.

9 The board is amid a historic multiyear
10 business modernization program called OnBoard
11 through which we're replacing our paper-based
12 workflows and systems with web-based
13 solutions that offer more automation and
14 better data capabilities. The board launched
15 the first phase of OnBoard in 2022, moving
16 the paper prior authorization request process
17 online. By expediting the process, the
18 change has expedited treatment.

19 At the end of 2024, the board launched
20 the first eForm for claimant attorneys to
21 request action from the board, including
22 hearings. This form has already helped
23 reduce the time to get expedited hearings by
24 10 days.

1 Also, reducing time to schedule and
2 hold hearings continues to be a top priority.
3 We now have over 200 judges, up from
4 75 judges only two years ago, and are hiring
5 more so that we can continue reducing the
6 time frame from the date a hearing is
7 requested to the date that hearing is
8 granted.

9 Changes in workflow implementation of
10 the new online form to request hearings, and
11 additional staff, have already enabled the
12 board to reduce hearing times by more than
13 30 percent.

14 Last year we heard suggestions from
15 the Legislature on ways we could improve the
16 board's indexing of cases. We listened. And
17 in 2024 we expanded our case indexing. When
18 the board issues a Notice of Index, the
19 career must accept or controvert the claim
20 within 25 days so the injured worker knows
21 the status of their claim.

22 In the past six months we have begun
23 indexing every case when a report of injury
24 and medical evidence -- which makes for a

1 complete claim -- is filed with the board.
2 This means that 25 days after indexing these
3 cases, the payer will have waived most
4 defenses to the claim unless they have filed
5 a timely denial of the claim with the board
6 and the worker claiming benefits.

7 Under this new indexing system, we
8 have tripled the number of case that are
9 indexed.

10 With affordability high on her agenda,
11 Governor Hochul has been working to put money
12 back in the pockets of New Yorkers, and the
13 board is pleased to also play a role in this.
14 This year, injured workers as well as those
15 who need to take leave to care for a loved
16 one are receiving higher benefits than ever
17 before. On January 1, the minimum workers'
18 compensation weekly benefit increased to
19 \$325 per week. That's more than double what
20 it was a decade prior to 2024.

21 And starting July 1, 2026, the minimum
22 comp rate will be indexed to the state's
23 average weekly wage.

24 And this year, the total maximum

1 benefit a worker may receive for paid family
2 leave is \$300 more than in 2024.

3 The board is also making workers'
4 compensation more affordable for employers.
5 As of January 1, the assessment rate is
6 7.1 percent of the standard premium or
7 premium equivalent. And that's a 22 percent
8 decrease from 2024, which is expected to save
9 New York's businesses approximately
10 \$191 million.

11 In summary, the board is working hard
12 to create a system that is better for
13 workers, better for business, better for
14 families, and better for New York State.
15 We're very excited about the Governor's
16 proposals and look forward to collaborating
17 with the Legislature, now and in the future,
18 to do our part to make New York healthier,
19 more affordable, and a place where all
20 families can thrive.

21 Thank you for your time today, and I'm
22 happy to answer any questions that you may
23 have.

24 CHAIRWOMAN KRUEGER: Thank you all

1 very much.

2 Before we start the questions, I'll
3 just take a moment to announce that we have
4 been joined by Chair Ramos,
5 Senator Fernandez, Senator Brisport,
6 Senator Rolison, and Senator Mattera.

7 Any Assemblymembers join us?

8 Oh, and Senator Oberacker, excuse me.
9 Thank you.

10 CHAIR PRETLOW: And we've been joined
11 by Assemblymember Burke, who I think has
12 already departed, Assemblywoman Romero, and
13 Assemblywoman Simon.

14 CHAIRWOMAN KRUEGER: Thank you. Okay,
15 Senator Jackson, chair, will be the first
16 questioner.

17 SENATOR JACKSON: Good morning,
18 everyone. How you doing? Good to see you
19 all. I have a question I'm addressing to all
20 of you, because on the news I heard our
21 Governor, Kathy Hochul, say that those
22 individuals who were fired or laid off from
23 the federal government, please come to
24 New York State to work.

1 And my question to each one of you is:
2 What is your agency going to be doing, if you
3 have a thousand people lined up for these
4 jobs, in order to put them into the system?
5 And so that's open to each one of you. I'd
6 like to -- since when you talk about the
7 employee relations, that's at the highest
8 level of the state; civil service; labor;
9 workers' compensation. So please, I want to
10 hear what you know, if anything.

11 DOL COMMISSIONER REARDON: May I
12 start?

13 SENATOR JACKSON: Sure.

14 DOL COMMISSIONER REARDON: First of
15 all, thank you very much for that question.
16 And thank you to the Governor for this
17 opportunity. It is no secret that we have
18 open positions across the state in state
19 government.

20 SENATOR JACKSON: Approximately how
21 many?

22 DOL COMMISSIONER REARDON: I don't
23 have that number. I bet Michael Volforte has
24 a better number than I do.

1 GOER DIRECTOR VOLFORTE: Approximately
2 8,000.

3 DOL COMMISSIONER REARDON: Thank you
4 very much.

5 So we are here, the doors are open,
6 our staff is ready. Unfortunately, we don't
7 know -- we don't have specific information on
8 these workers because the federal government
9 does not have to do a warn notice. So we are
10 not able to do our usual warn -- you know,
11 outreach to the workers.

12 But when they notify us that they're
13 interested, we will immediately sit down with
14 them, as we do with any New Yorker who needs
15 a job, and help them if they need to rewrite
16 their resume, because maybe they've been
17 working for the federal government for
18 10 years and they need to refresh it. Help
19 them with interview techniques. Again, they
20 may have been working for quite a while and
21 the workforce has changed, the way that
22 people get into work has changed. So we're
23 ready to give them all of those services.

24 And of course we're going to work very

1 closely with my dear friend Tim Hogue at
2 Civil Service to make sure that they
3 understand, you know, from our perspective
4 what's open, what they need to do. But we
5 really are very, very interested in these new
6 workers who, frankly, many of them live in
7 New York State: Come work for the state.

8 SENATOR JACKSON: And Commissioner
9 Hogue, I know you discussed about NY HELPS.
10 So how is NY HELPS helping the New Yorkers
11 that may be impacted by the craziness in
12 Washington, D.C.?

13 DCS COMMISSIONER HOGUES: Yeah, thank
14 you so much, Senator Jackson. Actually
15 NY HELPS has set up agencies to be able to
16 handle this type of wave of individuals
17 looking for opportunities.

18 And so if you think about it, in
19 2023-2024 when we expanded NY HELPS, agencies
20 started receiving thousands of applications
21 for jobs that we previously hadn't received
22 that many for. And so agencies started
23 preparing HR teams to make sure that they're
24 able to handle that. And so if they go to

1 that website, it is easier than ever, like I
2 said in my testimony, to connect and start
3 your employment career with New York State.

4 Because right now the NY HELPS program
5 temporarily eliminates the need for
6 individuals to take a civil service
7 examination for most entry-level jobs that
8 are open to the public. And so we have
9 worked on this for quite some time in
10 streamlining that process for individuals to
11 apply.

12 Now, I must say that they must meet
13 the minimum qualifications to the positions
14 that they're applying for to be considered.
15 But I believe we're ready.

16 SENATOR JACKSON: And Director
17 Volforte, what are you hearing, as the
18 director, with respect to the wave of
19 employees that may come looking for
20 employment here? Since our Governor
21 basically has opened the door and said: We
22 are the State of New York; if you live here,
23 we have a job for you, and hopefully we'll
24 just slide you right in under the NY HELPS

1 program.

2 GOER DIRECTOR VOLFORTE: I'm hearing
3 very similar things to what Commissioner
4 Hogues addressed. We've got so many
5 vacancies that agencies are happy to have any
6 influx of talent to consider.

7 And I know just in my own agency, with
8 the number of postings, we've actually seen
9 individuals currently employed by the federal
10 government apply for those job postings. And
11 as you know, we have a lot of technical jobs.
12 And those applicants, at least on paper, look
13 like, you know, a match.

14 So it's very good to have additional
15 candidates in addition to the normal pool so
16 that we can fill these vacancies in all
17 agencies that we have.

18 DCS COMMISSIONER HOGUES: Senator
19 Jackson, I just want to make one thing clear.
20 You said "slide individuals in." And so once
21 again, I just want to make sure that we're
22 clear that individuals have to meet minimum
23 qualifications and compete in that type of
24 stuff and submit their resume and

1 application, and it will be reviewed with
2 others that are applying.

3 So it's not like we're giving a fast
4 track, but they have that opportunity to
5 apply.

6 SENATOR JACKSON: And Chair and
7 Commissioner Rodriguez, what do you
8 anticipate as far as individuals and New York
9 State as a result of things that are going
10 on, the impact of people filing for workers'
11 compensation, if any?

12 WCB COMMISSIONER RODRIGUEZ: Yeah,
13 well, I'll start by saying that we're also
14 happy to welcome them to the board.

15 We actually, just like the other
16 agencies across the state, have a shortage
17 ourselves. We're looking for good attorneys.
18 You know, we're an administrative
19 adjudication agency. We adjudicate these
20 cases and we actually welcome attorneys. And
21 we have district offices across the state.

22 So if you're interested in working for
23 the board and you're listening to this
24 hearing, please go to our website for our job

1 postings.

2 As far as the impact on workers'
3 compensation, look, I mean, we -- we're here
4 to make sure that we're protecting injured
5 workers and, you know, ensuring the rights of
6 employers as well. Right? So if they happen
7 to be in an occupation where they happen to,
8 you know, have a workplace injury or illness,
9 we're here to protect them. And New York has
10 some of the strongest protections when it
11 comes to workers' compensation, so it's a
12 good place to work.

13 SENATOR JACKSON: Let me ask a
14 specific question for Commissioner Hogue.
15 So you've talked about the NY HELPS program.
16 But how many appointments have there been and
17 how many appointments are still employed and
18 what is the Department of Civil Service doing
19 to ensure a smooth on-boarding of new
20 employee satisfaction?

21 DCS COMMISSIONER HOGUES: Thank you
22 for that question.

23 As I mentioned in my testimony, at the
24 state level we've appointed approximately

1 are looking for help as far as employment, do
2 they go to the Department of Civil Service or
3 do they go to the Department of Labor?

4 DCS COMMISSIONER HOGUES: They can go
5 to both, actually. We have teamed up with
6 the Department of Labor. We're collocated
7 throughout the state in 10 DOL Career Centers
8 to make sure that individuals have that
9 opportunity to gain gainful employment.

10 DOL COMMISSIONER REARDON: I should
11 note when we do job fairs, we try to have
12 state agencies and municipal agencies attend
13 as well, and we make sure that there's
14 somebody from Civil Service on-site so people
15 can understand what the process is.

16 Because we want people, good people
17 working in the State of New York. We want to
18 make sure that they know they have that
19 opportunity across the state.

20 SENATOR JACKSON: Commissioner, how
21 long -- have you seen, in the Department of
22 Labor, an increase in people applying for
23 unemployment insurance as a result of
24 everything that's happening? And how long is

1 it taking for people -- if they've put in
2 their application for unemployment, how long
3 is it taking for them to get it?

4 DOL COMMISSIONER REARDON: That's an
5 interesting question.

6 So some of the people who are working
7 in the federal space, as I understand it, are
8 not officially fired yet. So there's a lag.
9 People who may have taken the buyout, they
10 have a different situation.

11 Any federal employee in the State of
12 New York who is genuinely laid off can come
13 to us and apply through our unemployment
14 insurance system. But the money that pays
15 their unemployment is a federal fund, and it
16 does not come out of the New York State trust
17 fund. So there will be no impact on the UI
18 trust fund here in the State of New York.
19 They're paid federally. But it's the same
20 process.

21 And I haven't heard any -- I haven't
22 heard any statistics. But it's within the
23 last two weeks, frankly. Anybody who
24 applies, there's a lag week and then the

1 payment should start. The people who have
2 who are uncertain of their status, that's a
3 difficult place for them to be. But if they
4 really are laid off, they should absolutely
5 pick up the phone -- or don't pick up the
6 phone, go on the computer. Please don't pick
7 up the phone.

8 (Laughter; overtalk.)

9 DOL COMMISSIONER REARDON: And go on
10 the computer and file.

11 SENATOR JACKSON: Let me thank you all
12 for coming in.

13 DOL COMMISSIONER REARDON: Thank you.

14 CHAIR PRETLOW: Labor Chair Harry
15 Bronson.

16 ASSEMBLYMAN BRONSON: Thank you all
17 for being here today. Really appreciate it.
18 And I also want to publicly thank you all for
19 being accessible and being a good partner in
20 government.

21 I'm going to start with Commissioner
22 Reardon and talk about unemployment insurance
23 first of all. As you know, we have a current
24 unemployment debt in connection with the

1 federal trust, or the federal government.
2 And the FUTA credit is going to be reduced as
3 a result.

4 The first question, can you tell me
5 what the debt amount is currently? And in
6 addition to that, what would be the amount to
7 make the state trust fund solvent so that we
8 could begin to raise benefits?

9 DOL COMMISSIONER REARDON: So
10 currently the trust fund is at about \$6.3
11 billion in deficit. And in order to make
12 this -- so you'd have to pay that back. In
13 order to raise the benefit, the state law
14 also says you have to have an additional
15 cushion, and that brings it up to about
16 \$8 billion.

17 ASSEMBLYMAN BRONSON: Eight billion,
18 okay. And as you know -- I mean, this is
19 helpful for businesses. Myself, as a past
20 small businesses owner up to last year, was
21 impacted by this. And in particular it
22 really -- it's a burden on small businesses.

23 But importantly, we can't raise -- the
24 benefits that are scheduled in current

1 statutory law, we can't raise because we have
2 this debt.

3 So the Governor's proposal is to pay
4 off \$165 million of the interest. That
5 really doesn't help us pay off the debt.
6 What plans, what ideas has the Department of
7 Labor thought of to get the trust fund
8 solvent so we can begin to raise benefits for
9 our workers?

10 DOL COMMISSIONER REARDON: So first of
11 all I want to thank the Governor for paying
12 the -- it's called the IAS, it's an
13 assessment, for this year's interest. It's
14 about \$169 million, I think. And this is
15 something the business community has been
16 very avid about. And so at least -- it's not
17 everything, but it's a good start in the
18 right direction.

19 We do not -- we at the department
20 don't have oversight of the budget to pay off
21 the trust fund. That's -- you know, that's a
22 discussion with the Governor and with you
23 and, you know, people in Budget and all of
24 that.

1 The trust fund will be solvent, at
2 this rate, in 2027. And the federal
3 government has set the rate by which that
4 debt is repaid. And we don't have any -- you
5 know, we don't have any mechanism over it.
6 That's a federally determined repayment
7 system. So it will be solvent in 2027.

8 ASSEMBLYMAN BRONSON: So with that
9 repayment timetable you're giving, though,
10 that means it's going to be substantially
11 more burden placed on employers to pay it
12 down, right?

13 DOL COMMISSIONER REARDON: It will go
14 up -- I have a percentage, I can find it for
15 you. It's not -- it doesn't -- it goes up
16 this year and I think it goes up a little bit
17 next year but not terribly.

18 Interestingly, almost half the
19 employers in the state pay the minimum
20 because the rate is your experience rate, how
21 many people churn through your employment in
22 a year. There are certain industries like
23 construction and hospitality where it's a
24 very high churn rate. And they have a very

1 high rate because of it.

2 There are other very stable employers
3 that nobody leaves. They're very stable. A
4 lot of small businesses don't actually have
5 churn, so their rate is the flat rate of -- I
6 think it's 2.3 percent.

7 ASSEMBLYMAN BRONSON: Okay. So, you
8 know, our experience here in New York State
9 is that we borrow from the feds more often
10 than most other states. And part of that is
11 because the formula we use to fund our trust
12 fund is based on the current taxable wage
13 base.

14 Have there been discussions to, you
15 know, look at that and revise how we are
16 funding this trust fund? Because, you know,
17 who knows when we're going to have another
18 recession, right, especially with what's
19 happening at the federal level. So have we
20 looked at the formula to fund the trust fund?

21 DOL COMMISSIONER REARDON: I believe
22 that's a legislative initiative. So, I mean,
23 we could certainly sit with you and have that
24 conversation, but I don't think we would

1 initiate it.

2 ASSEMBLYMAN BRONSON: Okay. All
3 right. Turning to another topic, and that is
4 the enforcement efforts of the Department of
5 Labor. As you know, we have recently passed
6 a number of worker protection bills, the
7 Fashions Act, the Warehouse Worker Injury
8 Bill and others. And the Retail Workers
9 Bill. There was no increase for full-time
10 equivalents in the proposal. Yet we have,
11 you know, more requirements coming to your
12 department. Plus we also know we need to do
13 more on wage theft enforcement.

14 You know, how are you going to handle
15 all these other responsibilities without
16 requesting an increase in full-time
17 equivalents?

18 DOL COMMISSIONER REARDON: It's a
19 great question. And I thank you for asking.

20 First of all, I want to say thank you
21 again for the \$25 million that the
22 Legislature gave us a couple of years ago.
23 That has been a godsend. Worker Protection
24 has used every penny of it to hire up staff

1 and make sure that we have, you know, the
2 kinds of people that we need.

3 And again, NY HELPS has been amazing.
4 It has really, really helped across the
5 agency, frankly. We have -- I have the
6 number here. It's surprising how many people
7 we've been able to hire.

8 Thank you for lifting the hiring cap
9 when she came in, to Governor Hochul.
10 Because we were frozen for a very long time.

11 So we are looking at all of these
12 various ways to solve the problem. We have
13 worked with our -- inside the agency
14 realigning reporting so it's flatter, it's
15 not a lot of steps to reporting, so more
16 people can actually be doing the business.
17 We are retraining our folks. We
18 understand -- I tell everybody if you're
19 doing the same thing you were doing six years
20 ago, you're probably doing it wrong, because
21 the world has changed. So we are changing
22 with it. We are getting digital tools.

23 But the fact is I could flood the zone
24 with thousands of new employees, and at the

1 end of the day, if I cannot force that
2 employer who has stolen wages from their
3 workers to pay their debt, that theft will
4 not stop. So thank you to the Governor for
5 finally giving us the stick we have asked for
6 and the ability to levy -- you know, assess
7 liens, seize property.

8 This is what the UI folks do on the
9 other side of the table, and they are very
10 successful in making sure that people pay
11 what UI says they owe. So thank you for the
12 stick. We will be using it if you agree.

13 ASSEMBLYMAN BRONSON: All right. So
14 I'm not going to ask a question but I'm just
15 going to put on the record, though, you know,
16 I am interested in the Article VII language
17 in connection with having warrants go to the
18 sheriffs. And I want to make sure that we
19 have due process protections and things of
20 that nature.

21 But I want to get to my friends at
22 the Workers' Comp Board while we still have a
23 few minutes. So, Chair, as you know from our
24 conversations, I firmly believe the workers'

1 comp system should err on the side of injured
2 workers. But at the very best, it ought to
3 be neutral as it compares to injured workers
4 and insurance companies, slash, employers.

5 That's not historically what has
6 happened in the last couple of decades.
7 Unfortunately, it seems to be a very
8 burdensome system. It doesn't seem to do
9 what we want to have happen -- get medical
10 treatment as quickly as possible, get the
11 wage replacements done. And if we get
12 medical treatment, hopefully get people to
13 return to work and continue to participate in
14 the employment setting.

15 Some of your proposals seem to head to
16 that direction of trying to get the benefits
17 to the injured workers. But I don't think
18 they're really getting to the real problem.
19 The real problem is the complexity of the
20 forms. The real problem is that we don't
21 have an opportunity -- and I heard your
22 testimony about the shortened time to get a
23 hearing and things of that nature. But
24 hearings aren't as timely as they should be,

1 and the forms are very complicated.

2 So you can authorize and code all the
3 physicians and other medical providers you
4 want, but we have providers who are already
5 coded who are leaving the system because of
6 the complexity of the forms.

7 And I don't know about the on-boarding
8 that you mentioned, but what are we really
9 doing to streamline the system, make the
10 forms functional instead of being, you know,
11 form over substance, and really getting our
12 injured workers the medical treatment they
13 need and they deserve and the system is
14 supposed to be set up to give them?

15 WCB COMMISSIONER RODRIGUEZ: Thank you
16 so much for that question.

17 You know, I agree and so does the
18 Governor, that regardless of income or where
19 you're located, you know, every worker should
20 have access to speedy medical care and
21 treatment and the wage replacement benefits
22 that they deserve so that they can go back to
23 work and resume their daily lives.

24 I think these proposals should be

1 taken as a whole, as an attempt to, yes,
2 bring more providers in the system and
3 address some of the pain points that are
4 affecting injured workers right now and our
5 barriers, but also looked at together with
6 all the other improvements that we've made
7 over time to the system to make it easier for
8 providers to navigate the system.

9 Like what you're saying, we've
10 actually reduced the number of forms that a
11 provider has. You know, we've eliminated
12 like 12 custom forms. We've moved to the
13 universal billing forms. We have medical
14 portals. Now we have an online way for
15 providers to engage with us when they're
16 going to submit prior authorization requests
17 and other -- and their billing disputes.

18 So we also are doing what we can to
19 streamline the system so that providers have
20 a better time navigating and treating injured
21 workers. And ultimately that's what
22 authorization is about, right? By
23 automatically authorizing all providers, yes,
24 we're increasing the pool, but we're also

1 paying them more. We're also going to make
2 sure that they are well-trained so that they
3 know how to navigate our system and are able
4 to treat injured workers.

5 ASSEMBLYMAN BRONSON: Thank you very
6 much.

7 CHAIRWOMAN KRUEGER: Thank you. Next
8 is Chair of Labor Jessica Ramos.

9 SENATOR RAMOS: All right. Good
10 morning. Buenos dias, everybody.

11 I want to pick up where my Assembly
12 counterpart left off in terms of UI. For a
13 while now we've been tracking and hoping that
14 Uber and Lyft pay what they owe to the
15 system, and it's my understanding that we've
16 come to a settlement. And I'm wondering if
17 at least the first payment has been made and
18 whether they're actually complying with the
19 order.

20 DOL COMMISSIONER REARDON: They are
21 complying.

22 SENATOR RAMOS: They're on time making
23 their payments --

24 DOL COMMISSIONER REARDON: Yes. Yes.

1 SENATOR RAMOS: -- of what they owe?

2 DOL COMMISSIONER REARDON: As far as
3 we know.

4 SENATOR RAMOS: Well, that's good to
5 hear.

6 One thing I understand wasn't covered
7 in your testimony, Commissioner Reardon, was
8 the expected impact of federal funding cuts
9 that might take place. How is the DOL
10 preparing for that catastrophe?

11 DOL COMMISSIONER REARDON: So as you
12 can imagine, this is a very fluid time. It
13 has happened very quickly, and we don't
14 really have any hard information.

15 The "pause" has been paused. So, you
16 know, there was that one day when money was
17 absolutely stopped, and then that has gone
18 away. So we're not -- we don't have any
19 funds paused at this moment. And we are not
20 hearing anything directive from USDOL at this
21 point. We are waiting to hear.

22 As the Governor has said -- you know,
23 most of my funding is federal money. And
24 this is money authorized by the Legislature

1 and signed. So this is a contract between us
2 and the federal government. And we expect
3 all of that money to appear because it's
4 already in law.

5 Going forward -- and I know that
6 they're in budget talks right now in
7 Washington -- that could change. And we are
8 trying to do some preparedness inside the
9 agency, but it's actually very hard to tell
10 which way things are going to go.

11 All of the funding that we have, with
12 a few exceptions, is nationwide. So WIOA
13 funds cover every state in the nation and the
14 territories. You cut New York's funds, you
15 cut Alabama's, you cut Alaska's, you cut
16 Texas. And so I think that that might help a
17 little bit. But, you know, we're waiting to
18 see.

19 And we are prepared to continue to
20 deliver the services that we always have.
21 Our doors are open, our people are at work,
22 and we will continue to do that until we
23 can't.

24 SENATOR RAMOS: Well, very good. I

1 think I speak for everyone when I say that
2 we're bracing for impact, and we're really
3 here to support your efforts.

4 Because what you did share in your
5 testimony was the amount of wage theft that
6 was recovered this year, so we know that it's
7 a pervasive issue here in New York State --
8 \$34 million in wages for over 46,000 workers.
9 So I'm wondering what percentage of wage
10 theft cases that come before you are being
11 successfully sought through to the end.

12 DOL COMMISSIONER REARDON: I don't
13 actually have that figure. I can get it for
14 you. You know, we -- you know, we take every
15 case and assess them.

16 SENATOR RAMOS: Do you feel you have
17 the number of investigators you need?

18 DOL COMMISSIONER REARDON: You know, I
19 never say no to help. But again, you know,
20 the \$25 million that we got from the
21 Legislature a couple of years ago really has
22 helped, and Tim has helped.

23 We are -- one of the things about our
24 investigators and inspectors in worker

1 protection, they're a specific kind of
2 worker. It's not the kind of job that just
3 anybody can walk into and do. It's a tough
4 job. You're out in the public, you're being
5 aggressive with an employer. And nobody's
6 happy when these people show up at your place
7 of business. So they require a lot of
8 training.

9 We are very intentional in the way we
10 hire. We want cultural competency because
11 the workers in New York State are
12 multicultural.

13 SENATOR RAMOS: Do you have many
14 bilingual investigators?

15 DOL COMMISSIONER REARDON: We do,
16 actually, in worker protection. And not just
17 Spanish/English, we have various Chinese,
18 Haitian Creole. It's a good mix, I must say.

19 And that's extremely helpful, because
20 you can imagine talking to a worker who feels
21 afraid to even talk to a government officer
22 and then has to talk in a different language.
23 We take that that very, very seriously.

24 SENATOR RAMOS: Commissioner, has

1 there been an uptick in child labor that
2 we've seen in New York State?

3 DOL COMMISSIONER REARDON: So, you
4 know, there was that big expose I think last
5 year, and it was really more about poultry
6 plants in the Midwest. And really
7 horrifying. You know, young kids working
8 overnight cleaning, you know, cutting
9 machines in processing plants.

10 We have much less of that here. There
11 is -- you know, we go out, we've been out
12 quite a bit this year and last year to make
13 sure that people are complying. It's been a
14 real focus for the Governor. But it's more
15 like ski resorts that give kids, you know,
16 time on the slopes instead of paying them.

17 SENATOR RAMOS: Movie theaters. Movie
18 theaters as well who are --

19 DOL COMMISSIONER REARDON: I'm sorry,
20 say that again?

21 SENATOR RAMOS: Movie theaters as well
22 who are -- that are having young kids stay
23 past the number of hours they're supposed to
24 work.

1 managers would be trained. They have to set
2 up a written plan for how that's not going to
3 happen again. And then for 12 months
4 afterwards they would submit records so we
5 can see that they're actually following the
6 plan that they wrote.

7 Our focus is to make sure that young
8 workers are protected. And, you know, they
9 do have limited hours, they have limited
10 occupations. That's for their safety.

11 SENATOR RAMOS: Yes. Well, I'm hoping
12 that in those circumstances the DOL
13 circumvents penalties or fines that have to
14 do with child labor laws being broken.

15 Mr. Volforte, I have a question for
16 you today. I am aware that late in 2024 a
17 member of our Public Employees Federation
18 took his life, largely because of a toxic
19 work environment in our state agencies.

20 And in response to so much feedback
21 that I've received as chair of the
22 Labor Committee from our state employees
23 about toxic work environments in our
24 agencies, I introduced an anti-bullying

1 bill -- it was S4925 -- and the Governor
2 vetoed it.

3 I'm wondering what steps you're taking
4 to improve mental health and workplace
5 dignity for public employees. Is this
6 something you're proactively working on? I
7 would be very, very concerned.

8 GOER DIRECTOR VOLFORTE: I think we're
9 all concerned about employees' mental health
10 and well-being in a number of roles and
11 throughout the state.

12 As I mentioned in my testimony, one
13 thing that we're looking at is we have an
14 Employee Assistance Program where employees
15 for 40 years have been able to go and get
16 assistance. We're looking to make better use
17 of that. And we have --

18 SENATOR RAMOS: How?

19 GOER DIRECTOR VOLFORTE: -- some
20 initiatives.

21 SENATOR RAMOS: Better how? Are you
22 getting rid of the people who are bullying
23 workers?

24 GOER DIRECTOR VOLFORTE: Well, the EAP

1 program is not that. The EAP program is
2 specifically dedicated to helping employees,
3 and we're going to be working with our unions
4 to be able to better position mental health
5 and well-being benefits for those employees.

6 In terms of what is misconduct in the
7 agencies, a supervisor or employee creating a
8 toxic work environment, the Governor has been
9 very clear: That's misconduct. If it's not
10 related to protected class status, then it's
11 an agency's responsibility to investigate
12 that and, where it occurs, eradicate it. And
13 we've been very clear --

14 SENATOR RAMOS: Let's say a worker is
15 harassed, you know, by their supervisor and
16 is being harassed, you know, in a very clear
17 unprofessional way. What are the
18 consequences?

19 I mean, my understanding is that
20 people are getting shifted around from one
21 agency to another or one site to another, and
22 there seems to be no consequences for toxic
23 people.

24 GOER DIRECTOR VOLFORTE: Well, I'm not

1 familiar with those examples. And I'm happy
2 to engage the union on specific claims where
3 individuals who are the victims have been
4 moved around.

5 But if an agency finds that a -- let's
6 just say a supervisor has acted
7 unprofessionally, because I'll just use that
8 generic term, they are supposed to take
9 appropriate action. That could be anything
10 from counseling and training to removing the
11 individual from that job and removing that --

12 SENATOR RAMOS: How many people have
13 you had to remove in the past year?

14 GOER DIRECTOR VOLFORTE: Those
15 statistics, if they're kept, would be kept at
16 an individual level. My agency doesn't
17 oversee individual --

18 SENATOR RAMOS: But you keep track --

19 GOER DIRECTOR VOLFORTE: No.

20 SENATOR RAMOS: About how employee
21 relations are going in every agency?

22 GOER DIRECTOR VOLFORTE: Well, we're
23 in contact with the agencies, but there's not
24 a -- there's not a tracking system for

1 discipline --

2 SENATOR RAMOS: So if I were to ask
3 you which agency is the most toxic, you
4 wouldn't be able to answer me.

5 GOER DIRECTOR VOLFORTE: No.

6 SENATOR RAMOS: So how do we know the
7 scope of need and whether you're addressing
8 it?

9 (Time clock sounds.)

10 SENATOR RAMOS: Thank you. I'll be
11 back for Workers' Comp.

12 CHAIR PRETLOW: Assemblywoman Pheffer
13 Amato.

14 ASSEMBLYWOMAN PHEFFER AMATO: Good
15 morning. Thank you, everyone, for your
16 testimony. I appreciate all the positive
17 information you've given.

18 Commissioner Hagues, I'm going to just
19 turn to like the next step. We're very
20 happy -- people being hired through the HELPS
21 program, that sounds great.

22 However, what I'm hearing a lot of are
23 the lack of promotional exams, the next step
24 that's coming. Because we're having this

1 hiring frenzy, which sounds great, but then
2 it goes right along with what you were all
3 talking about.

4 Harry and I are working the line
5 together and I'm going to say, Yeah, you want
6 to get a promotion? It's been 2005 since an
7 exam is given. You're going to go nowhere.

8 What are we doing about that? Because
9 that's -- we're not going to keep these
10 employees, and I want them to be lifers.

11 DCS COMMISSIONER HOGUES: Thank you so
12 much for that question. I do as well. And
13 that's part of the retention plan that we
14 have.

15 So when we talked about opening up
16 these testing centers, the 12 testing centers
17 across the 10 regions in New York State,
18 those are really aimed at having promotional
19 exam opportunities.

20 As we have been transforming how we do
21 business in the Department of Civil Service,
22 we have a team that has been focused on that.
23 And so this past year we have seen a decrease
24 in promotional exam opportunities because

1 taking away from the good job, all due
2 respect. But if we can sit here and talk
3 about an exam that wasn't given since 2005 or
4 2011 -- and I know sometimes the low-hanging
5 fruit might be easier -- I think we have to
6 take that challenge on. It's not fair to the
7 workforce, to those provisional people, to
8 keep hoping for an exam. And then everyone
9 will complain -- and I mean everyone -- Well,
10 this employee went to the county, left the
11 state, because they're frustrated.

12 So I'm going to implore you to really
13 look at those exams, talk to the unions and
14 say, Where are we struggling? And pick those
15 and take the challenging ones a little faster
16 than the other ones. Because we're hiring
17 people, that's great. They're still in that
18 beginning phase of being excited. But I
19 really want to take care of those people to
20 keep continuing to be into the system and not
21 leave public service.

22 COMMISSIONER HOGUES: Definitely.

23 ASSEMBLYWOMAN PHEFFER AMATO: So I'm
24 going to ask you to challenge those.

1 As a pivot -- and I wasn't going to
2 talk about this, but as everyone is talking
3 about Paid Parental Leave Act -- so this is
4 for Governor's Office of Employee Relations
5 and for Compensation -- it's great that we
6 are going to help and take care of parents
7 who are adopting, give birth and all those
8 other fostering children, but we don't talk
9 about stillbirth here. And this is going to
10 make everyone uncomfortable.

11 But there's over a thousand
12 stillbirths -- babies born, parents giving
13 birth and it's a stillborn child. And we
14 don't address that in our parental family
15 leave. And not in compensation or anywhere.

16 And I'm going to ask what we're going
17 to do about that. Because these women give
18 birth today and their baby is not born alive,
19 and they're expected to be back at work on
20 Friday. And I think that is the most unfair,
21 and a part that we're missing, and no one
22 wants to address that. So what are we going
23 to do about this?

24 WCB CHAIR RODRIGUEZ: Yes, thank you.

1 You know, I agree that it is a
2 heart-wrenching issue. You know, I'm a mom
3 myself of two and I've also had, you know,
4 experiences in my family with this. I think
5 that we leave this up to the policymakers.
6 You know, whatever the Legislature passes and
7 the Governor signs, we're at the ready to
8 implement. You know, we administer the Paid
9 Family Leave Program. But if there is a
10 program that impacts our agency, we will do
11 our job and we will implement it.

12 ASSEMBLYWOMAN PHEFFER AMATO: Mike,
13 anything from --

14 GOER DIRECTOR VOLFORTE: In terms of
15 the state workforce, while it's not covered
16 by either the paid family leave or the paid
17 parental leave benefit, there are other leave
18 benefits that employees can access to remain
19 absent, such as their sick leave, their
20 vacation, and their personal leave.

21 So -- and if there are particular
22 issues with that, employees have their unions
23 and the unions can contact us and we can
24 address specific situations. So if there are

1 specific cases that are out there, we're more
2 than happy to intervene and look at it and
3 make sure that the workforce is being treated
4 fairly.

5 ASSEMBLYWOMAN PHEFFER AMATO: I think
6 it's pushing it back on us. But as a state,
7 I mean, we're all talking about how we're
8 doing great for what's live. And I think we
9 have to address the mother's health. And I
10 do think it comes from you also, because you
11 have to be hearing it when you have to deny
12 that claim that someone can't get parental
13 leave.

14 You know, I just think that we could
15 do a better job at pushing, you know, to us
16 what you're hearing. Because I have
17 constituents, I'm on meetings with women that
18 this is a very hard topic but their family
19 went broke because at that time their husband
20 couldn't take paid leave to take care of them
21 as an employee.

22 So now we fixed that little part, but
23 we're not addressing the mother's health.
24 And I just want it on the record why I think

1 we all could do better. It's not -- we could
2 pass the laws, but it also has to come right
3 back to you and not to put on the unions.
4 You know, everyone just views it as live
5 birth, and I think we just have to
6 acknowledge stillbirth in this state.

7 So thank you on that.

8 Flipping back to a less tense area, I
9 want to talk about the -- you know, we're all
10 talking about, everyone knows about the
11 benefits. Work for the state, this is great,
12 you can have your college loan paid back and
13 there's these benefits. I guarantee everyone
14 here, if we ask their staff, they have no
15 idea.

16 So as much as we think we're
17 advertising, we're not getting there. It is
18 the responsibility of an employee to know
19 their benefits, but it's definitely, to me, a
20 tool that I've been talking to college
21 students about for entering the workforce.
22 What can we do more to really educate?
23 Because we're talking about generations now
24 who don't have families that were in public

1 service, so they don't get it.

2 But what can we do more? Like where
3 are you seeing that, like, disconnect in
4 that? If you're seeing any, I guess.

5 DCS COMMISSIONER HOGUES: Thank you
6 for that question.

7 And actually our health benefits
8 department is really looking at a campaign to
9 really help individuals understand in state
10 government what benefits are available to
11 you. That started I believe the fourth
12 quarter, third or fourth quarter of last
13 year. We've been having conversations about
14 that, changing up the material that we
15 provide, how we provide it, understanding
16 that people don't check their mail, sometimes
17 they get mail from state and they toss it.

18 And so we're looking at all those
19 types of options to make sure that our state
20 employees are educated and taking advantage
21 of all the benefits that are available to
22 them. So I will keep you updated on the
23 progress of that.

24 ASSEMBLYWOMAN PHEFFER AMATO: Yeah,

1 and we talked about this. I mean, it's very
2 difficult. People don't know the benefits
3 and it becomes too late.

4 So which positions has the state found
5 to be most difficult to recruit and retain?
6 And I say this in -- where that like
7 disconnect is, again. We have increased
8 retirements, we're preparing for that, and
9 how to get those difficult ones? And it
10 helps HELPS, but it doesn't help, as
11 Commissioner, we were speaking before --
12 Reardon, that it doesn't help in some of
13 those positions.

14 So what can we do more?

15 COMMISSIONER HOGUES: That --

16 ASSEMBLYWOMAN PHEFFER AMATO: This
17 age-old question? Come on.

18 COMMISSIONER HOGUES: That is the
19 age-old question. Obviously --

20 ASSEMBLYWOMAN PHEFFER AMATO: I think
21 it goes with benefits. I think there's
22 something -- you know, we talk about
23 advertising. But when I say it to folks, my
24 peers, that -- I'm like, Did you Google this

1 job? And they did not. So there's still
2 something, a disconnect, to the professionals
3 of a certain age.

4 DCS COMMISSIONER HOGUES: So we can
5 educate, we can market, but there are just
6 certain positions that the public and others
7 just shy away from. We know those in law
8 enforcement sometimes, individuals just have
9 not been going into that field lately. And
10 so there are other direct-care type of
11 opportunities that the HELPS program has
12 assisted, and the numbers have increased, but
13 we know those are sometimes the less
14 desirable positions for individuals to go
15 into because of the requirements that go
16 along with it. And so --

17 ASSEMBLYWOMAN PHEFFER AMATO: But I
18 think those are the challenges. We take the
19 less -- the ones that are harder, if it's
20 forming a roundtable discussion on how we
21 could pull.

22 COMMISSIONER HOGUES: Yes.

23 ASSEMBLYWOMAN PHEFFER AMATO: You
24 can't get them all, but we can get some.

1 Right, Commissioner?

2 DOL COMMISSIONER REARDON: So we're
3 very aware of this, you know, at the DOL as
4 well. And one of the things that we've done
5 in our counsel's office, we have an intern
6 program from Albany Law. And they come and
7 sit with you and they work with us, I think
8 it was over the summer, but -- and it gives
9 them a real experience of what it means to
10 work in state government, work in labor law,
11 work in different areas in labor law, because
12 it's pretty vast in DOL.

13 And it's been very successful because
14 we have -- you know, these are young people,
15 they're not out of school yet. And it opens
16 up a door that they have not considered. So
17 we are thinking about could we have a similar
18 program for auditors, because that's another
19 big need that we have, and we're not the
20 people that they think of. Exposure.

21 ASSEMBLYWOMAN PHEFFER AMATO: Thank
22 you. I'll come back.

23 CHAIRWOMAN KRUEGER: Thank you.

24 Next is Senator Brisport.

1 SENATOR BRISPORT: Thank you,
2 Madam Chair. My questions are for
3 Commissioner Reardon. Thank you all for
4 being here. They're about the childcare
5 workforce.

6 I'd like to focus on the April 2024
7 Childcare Availability Task Force Report.
8 The cover letter that you submitted for that
9 report, along with the OCFS commissioner,
10 makes the point that we need to focus on
11 addressing the childcare workforce crisis.
12 The report goes on to repeatedly argue over
13 and over again that we need to act with
14 urgency to implement a permanent line of
15 funding to supplement childcare worker wages.

16 Why is it so important and urgent that
17 New York State stabilize its childcare
18 workforce?

19 DOL COMMISSIONER REARDON: So it is --
20 unfortunately, it's a very essential
21 workforce that is really underpaid. And many
22 of them work for minimum wage. And if you
23 work in certain areas of childcare, you may
24 have not just a college degree, you may have

1 a master's degree, and you're still working
2 barely above minimum wage. So it's not
3 sustainable. And there is a lot of churn in
4 that area.

5 And these are mostly women, some
6 men -- many immigrants -- who are very
7 dedicated to the work and really excellent at
8 their job. But we need to find a way to
9 sustain their need for better wages. It is a
10 very, very difficult problem to solve because
11 the burden falls on the parents.

12 Everybody here has had conversations
13 with people about the high cost of childcare,
14 and yet parents need to be able to go to
15 work. We need them in our workforce. We
16 don't have the luxury of saying, Oh, you stay
17 home. You know, if somebody wants to work,
18 we need to be able to facilitate that.

19 So trying to find solutions is really,
20 really critical. The Governor's proposal to
21 form the Childcare Council is really
22 thoughtful, and in that council is going to
23 be tax experts so that they can help guide
24 those conversations. Because the real goal

1 is universal childcare. And it's hard, it's
2 a very -- you talk about tough conversations,
3 that's a very difficult conversation, the
4 funding part.

5 But it is doable. Other countries
6 have done it, other states have approaches.
7 And I hope that the Childcare Coalition
8 coalesces quickly and starts their work,
9 because it is urgent. You know, I have
10 people in my office who talk about how hard
11 it is to find childcare. And I have daycare
12 in my building in Albany and people come to
13 work for us because of that. So I know
14 intimately what that's about.

15 But we need to facilitate this. It's
16 not just a mother's problem, it's not just a
17 family issue. It's an economic issue, and we
18 need to resolve it.

19 SENATOR BRISPORT: Thank you so much.

20 I would add we could tax the rich to
21 fund universal childcare.

22 I also want to note the report cites
23 data that all programs were operating below
24 their license capacity due to workforce

1 shortages. And that we are serving
2 28,462 fewer children than capacity. So just
3 confirming, the workforce shortage is causing
4 a decrease in capacity, right?

5 DOL COMMISSIONER REARDON: Yes.
6 Because if you don't have the right ratio,
7 you can't have the kids in the classroom.

8 SENATOR BRISPORT: Thank you.

9 DOL COMMISSIONER REARDON: That's the
10 other part about her proposal, is having the
11 pool of vetted, trusted professionals who can
12 step in. It's a great idea.

13 SENATOR BRISPORT: Thank you.

14 CHAIRWOMAN KRUEGER: Assembly.

15 CHAIR PRETLOW: Assemblymember Durso
16 for five minutes.

17 ASSEMBLYMAN DURSO: Thank you, sir.

18 Thank you, everybody, for being here
19 today.

20 Commissioner Reardon, I have a couple
21 of questions for you. Something we've spoken
22 about in the past, obviously, is wage theft,
23 especially in the construction industry, and
24 I'll be specific to Long Island.

1 Understanding your office works more
2 on a complaint-driven model as opposed to
3 being proactive in it, why is that? Why is
4 it that we can't get a proactive approach to
5 the wage theft, especially in the
6 construction industry, having investigators
7 to go out to visit those job sites?

8 DOL COMMISSIONER REARDON: It
9 partially is a budget issue, because that
10 would require a lot more people. And, you
11 know -- and frankly, we're not any different
12 from most departments of labor across the
13 country. It's typically a tips-driven
14 industry. We do depend on -- as you know,
15 depend on our friends in organized labor, and
16 they are incredibly helpful. But, you know,
17 to be able -- think about the number of
18 construction projects, from a small
19 construction project all the way to a large
20 one, the numbers that are in Long Island
21 alone, and they change constantly.

22 So we are very aware of it. Again, in
23 worker protection, we've looked at our
24 processes, looking at how we can change the

1 way we do things. We are more proactive,
2 particularly on Long Island, because of the
3 conversations we've had. In the summertime
4 we've been able to go out and do sweeps
5 during the summertime school construction
6 period. And, you know, we know who the bad
7 players are so we can follow up with them.
8 But it's strictly -- it's surely the sheer
9 size of the industry makes it difficult.

10 If we get the stick that I mentioned
11 earlier and be able to, you know, seize
12 property and assess -- you know, levy fines
13 and things like that, and demand the money
14 back, that will make a huge difference.
15 Because, you know, if I don't have to pay --
16 if I get a judgment and the Department of
17 Labor doesn't have a real stick to come after
18 me, I'm not going to pay the money back. And
19 that's really the root of the problem.

20 So give us the stick and we will use
21 it.

22 ASSEMBLYMAN DURSO: Okay. So with
23 that being said, if that's the case -- and I
24 don't know if it will change then, but are

1 the investigators that are going out,
2 especially in the construction industry --
3 because it's obviously very different. It's
4 vastly different from a small restaurant
5 business or any other type of business. Are
6 they trained a specific way in that industry?

7 And if you are to get that funding,
8 will you be able to have more investigators
9 trained specifically for the construction
10 industry?

11 DOL COMMISSIONER REARDON: So we do
12 recruit people across industry sectors for
13 worker protection, and we do definitely have
14 people -- we have people who have retired
15 from the construction industry who work with
16 us. So they are very well aware of the
17 businesses that they're looking into.

18 ASSEMBLYMAN DURSO: Okay. So just a
19 quick -- I want to just jump back to the
20 unemployment trust. You had said that's
21 roughly \$8 billion, correct?

22 DOL COMMISSIONER REARDON: Well, it's
23 6.3 is the debt. And then in order to be
24 able to raise the benefits, you have to have

1 an extra amount of money in the fund,
2 emergency fund, as it were.

3 So it would be 8 billion in total
4 before we can raise the benefits.

5 ASSEMBLYMAN DURSO: Okay. And do you
6 know -- what's your feeling on when will it
7 be solvent? Not the number, but when can we
8 get to that point?

9 DOL COMMISSIONER REARDON: 2027.

10 ASSEMBLYMAN DURSO: 2027.

11 DOL COMMISSIONER REARDON: It's on a
12 schedule.

13 ASSEMBLYMAN DURSO: Okay. Perfect.

14 DOL COMMISSIONER REARDON: Unless -- I
15 should say if there is a recession, it could
16 tail out. But right now, going at the rate
17 that we're going, it's 2027.

18 ASSEMBLYMAN DURSO: Okay, thank you.

19 And then just for anybody, and
20 especially Commissioner Hogue, when my
21 colleague had spoke about recruitment,
22 retention and getting the information out to
23 potential employees and current employees of
24 the state, when it comes to the benefits that

1 they are allowed, whether it's tuition
2 reimbursement, anything like that, are we
3 doing any type of statewide campaign as far
4 as for that information to come out?

5 I mean, again, we do statewide
6 campaigns for many things and again,
7 obviously, some of them are great. But being
8 able to get the information out to those
9 employees to not only retain them, to let
10 them know that these things are available,
11 and to possibly bring in other people.

12 DCS COMMISSIONER HOGUES: So thank you
13 for that.

14 So obviously we do provide the
15 information currently. People just aren't
16 consuming it like we would hope. And so
17 that's why we are reimagining how we're going
18 to start getting information to the
19 individuals about the benefits, and how we're
20 packaging it, whether it's going to be paper,
21 one sheet, whether it's going to be
22 electronic.

23 And so those are some of the things
24 that the team has been looking at to once

1 again make sure that individuals are aware.
2 And we're figuring out how do we have this
3 interactive opportunity for individuals to
4 call or email or that type of stuff to --

5 ASSEMBLYMAN DURSO: And that's with
6 current employees, correct?

7 COMMISSIONER HOGUES: Yes. Yes.

8 ASSEMBLYMAN DURSO: I'm saying to
9 recruit and retain them. I mean, we do -- we
10 see TV ads all the time throughout New York
11 State, billboards, but I don't see anything
12 about those specifically talking about what's
13 available.

14 COMMISSIONER HOGUES: So you guys have
15 invested in us, and we've done a marketing
16 campaign, we're setting up to do another one.

17 ASSEMBLYMAN DURSO: Thank you.

18 CHAIRWOMAN KRUEGER: Thank you.

19 Senator Rhoads, five minutes, ranker.

20 SENATOR RHOADS: Thank you,
21 Madam Chairwoman. I want to thank everyone
22 for their testimony thus far.

23 Chair Rodriguez, I do have a question
24 for you, and sort of dovetailing off of

1 Assemblyman Bronson's points that he made so
2 eloquently.

3 With respect to some of the Governor's
4 proposals, specifically with respect to
5 increasing the number of providers that
6 actually are able to treat workers' comp
7 patients, both the Medical Society of the
8 State of New York and the Injured Workers
9 Bar Association have come out against that
10 proposal.

11 Because the real issue is that -- not
12 that doctors don't want to be a part of the
13 system, it's that no doctor wants to be
14 bothered with the morass of forms, the
15 authorization procedures, the billing delays
16 and the denials and the testimony obligations
17 that the system entails, which really aren't
18 going to be addressed by this particular
19 proposal.

20 You know, there needs to be a
21 significant increase in the medical fee
22 schedule, which is something that you're
23 attempting to address. But really a
24 reduction in the administrative burden is

1 what's called for, and sort of eliminating
2 the three-level gatekeeping of the medical
3 treatment guidelines, the medical portal and
4 the PAR system, and use the guidelines as a
5 preauthorization for treatment, which it was
6 supposed to be.

7 As opposed to now what is a baseline
8 of what is approved or what is rejected if it
9 doesn't meet those guidelines -- you know,
10 essentially allowing the guidelines to
11 substitute for a contrary medical opinion
12 that would typically have to be offered.

13 Are there any plans to reduce or make
14 it easier for providers to be able to
15 actually sign up and negotiate the process if
16 they do sign up?

17 WCB CHAIR RODRIGUEZ: Yeah,
18 absolutely. Thank you for that question.

19 And, you know, we share those same
20 concerns. We've heard those concerns over
21 the last few years, and we have done our part
22 to try and make sure that we are looking at
23 every bit of improvement that we can do.

24 We look at this automatically

1 authorizing providers as a big part of that,
2 because the way it stands today, it is an
3 administrative burden and sometimes comes at
4 a sizable cost to providers to participate in
5 the system. And it was a process that -- you
6 know, if I may -- has outlived its efficacy.

7 You know, it's antiquated, it predates
8 the internet and even faxing. You know,
9 providers have to bundle their documentation,
10 mail it to us, then we mail it to the medical
11 societies who sometimes reviews, sometimes
12 does it for a fee --

13 SENATOR RHOADS: I'm going to
14 follow up with you on that, only because I
15 only get five minutes.

16 WCB CHAIR RODRIGUEZ: Okay.

17 SENATOR RHOADS: The other issue is
18 going to be the fact that you're going to
19 have doctors that are not familiar with the
20 system who are actually now going to try and
21 negotiate the system for the first time, and
22 as a result it's the workers who are not
23 going to be able to get the benefits that
24 they need and will be cut off because they

1 won't have the proper medical documentation
2 to be able to establish their case. That's
3 my concern.

4 The second issue I have is with
5 respect to the Governor's idea of having
6 health insurers pay for workers' compensation
7 coverage initially. I love the idea of
8 workers being able to get the treatment that
9 they need, but might it not be a better idea
10 to flip that system and require that workers'
11 compensation insurers pay even if it's being
12 controverted and then, if it turns out that
13 it was not in the course of employment,
14 seeking reimbursement from the health
15 insurance company?

16 Because they're paying at two
17 different rates. There's nothing in the
18 legislation that would reconcile what happens
19 if a health insurer paid for medical
20 treatment at one particular rate when the
21 workers' compensation rate is significantly
22 less. How are they going to be made whole,
23 and how would the difference be made up?

24 WCB CHAIR RODRIGUEZ: Right.

1 SENATOR RHOADS: And I'll follow up
2 with you on that point as well. Sorry, five
3 minutes goes quick.

4 WCB CHAIR RODRIGUEZ: I love this, I
5 don't have to answer.

6 (Laughter.)

7 SENATOR RHOADS: Five minutes goes
8 quick.

9 So, Mr. Volforte, I know that you
10 mentioned the Governor's message of being
11 fair to employees and protecting their mental
12 and physical well-being. And I'm glad that
13 you did that, because I want to play
14 something for you and ask you some questions.

15 {From phone: "The Governor's office
16 has called us and ordered us to call all
17 remaining staff back to work due to the state
18 of emergency, regardless of whether you're
19 out on vacation, doctor's note, FMLA or
20 comp"} --

21 CHAIRWOMAN KRUEGER: We don't allow
22 props or -- I don't think we allow --

23 (Phone recording continuing; inaudible
24 overtalk.)

1 SENATOR RHOADS: My question is, are
2 you aware -- are you aware of the Governor's
3 regulation requiring these workers to come
4 back even if they're on comp?

5 (Time clock sounds.)

6 CHAIRWOMAN KRUEGER: I'm sorry.

7 Next, Assemblymember DeStefano,
8 five-minute ranker.

9 ASSEMBLYMAN DeSTEFANO: Thank you,
10 Chair.

11 I'm going to pivot a little bit,
12 probably a little add-on to Senator Rhoads.
13 The prison system, what's going on right now,
14 what role does the department have in
15 overseeing the workplace safety in the
16 state-run facilities? Commissioner Reardon.

17 DOL COMMISSIONER REARDON: Sorry.
18 It's a public safety -- Public Employee
19 Safety and Health, we have some role in it.
20 We are looking into complaints that we've
21 received. The wildcat strike has -- that's
22 not anything that my agency has anything to
23 do with.

24 But we are concerned about the welfare

1 of the people in the facility.

2 ASSEMBLYMAN DeSTEFANO: How can the
3 department work with DOCCS to ensure the
4 workplace safety -- it's a collaboration of
5 people.

6 DOL COMMISSIONER REARDON: Well, we
7 work with them all the time. I mean,
8 we've -- last year ago or so there was a
9 problem with fentanyl going into some
10 facilities in the mail. This was a couple of
11 years ago. And we worked very closely with
12 them to develop a system so that we could
13 make sure that the mail handlers themselves
14 were not being damaged by the illegal
15 material that was being sent through the mail
16 system.

17 And I have to give big props to Dan --
18 I can't pronounce his last name, the
19 commissioners of DOCCS, who was incredibly
20 helpful. And we managed to set up a system
21 to make sure that their mail handlers were
22 not harmed by this illegal substance.

23 So we do have a lot of relationship
24 with them and we work with them very closely

1 on things like that.

2 ASSEMBLYMAN DeSTEFANO: Would it be
3 fair to say that the situation that's going
4 on, based on what you're reading, seeing on
5 TV and all those other -- would you think
6 that it's more of an issue of -- it's
7 protection of the corrections officers, the
8 inmates and the civilian staff that work
9 within the facilities?

10 DOL COMMISSIONER REARDON: So I would
11 have to talk to my staff about some of that.
12 But, you know, this is obviously a very
13 difficult situation that they're all in. And
14 the responsibility for the safety in the
15 facility is -- some of it's ours, as
16 Public Employee Safety and Health. Some of
17 it is at DOCCS.

18 ASSEMBLYMAN DeSTEFANO: Okay. Do you
19 think any of the legislation that was
20 recently passed has anything to do with why
21 we're in the situation that we're in right
22 now?

23 DOL COMMISSIONER REARDON: I don't
24 know. That would be a DOCCS question.

1 ASSEMBLYMAN DeSTEFANO: Okay. But
2 it's fair to say that the reason why we're
3 seeing what we're seeing in public today is
4 because a lot of people that work there fear
5 for their safety when it comes to working in
6 those facilities?

7 DOL COMMISSIONER REARDON: Again, I
8 think that's a question for DOCCS, not for
9 DOL.

10 ASSEMBLYMAN DeSTEFANO: But the
11 Department of Labor has like no interest in
12 trying to help facilitate fixing the problem?

13 DOL COMMISSIONER REARDON: It's not a
14 lack of interest. It would be a question for
15 the commissioner at DOCCS.

16 ASSEMBLYMAN DeSTEFANO: Okay. So you
17 wouldn't work in collaboration to try and
18 solve the issue?

19 DOL COMMISSIONER REARDON: We work
20 with DOCCS all the time.

21 ASSEMBLYMAN DeSTEFANO: Okay. Moving
22 on to a different topic.

23 The recent changes in Washington, do
24 you think that that may have an effect on

1 your 2027 idea that we're going to be paid
2 off with the trust fund, if there's anything
3 that changes there?

4 DOL COMMISSIONER REARDON: That is
5 actually dependent on the economy. So
6 Washington -- whatever Washington is doing
7 with funding has nothing to do with the
8 UI trust fund.

9 It really is -- the way it would
10 impact is if we had a spike in unemployment
11 so that we're -- and I mean a spike, not just
12 a small increase like we did during the
13 pandemic. Obviously the trust fund would
14 take a hit because more people would apply
15 for benefits, and that would take more money
16 out of the trust fund. So it really is an
17 economic question, not a Washington politics
18 question.

19 ASSEMBLYMAN DURSO: Commissioner
20 Hogues, one for you. The Governor proposed
21 that we're going to waive the fees for civil
22 service tests, for extension. My question --
23 which I wrote it down because I don't want to
24 forget anything -- is do you think it's

1 helping the situation when recruiting and
2 training?

3 And also of that, if the answer to
4 that is yes, then do we have any data that
5 supports the recruitment and retention of
6 those people that have been taking the test
7 and staying in the job? Or are they leaving
8 after a certain amount of time?

9 And if that's the case, do you think
10 it's because it's salary, Tier 6? What do
11 you think it is?

12 DCS COMMISSIONER HOGUES: That's a
13 lot.

14 (Laughter.)

15 ASSEMBLYMAN DeSTEFANO: Well, we get
16 five minutes. I've got to jam it in.

17 (Laughter.)

18 COMMISSIONER HOGUES: I get it, I get
19 it, I get it, I get it, I get it. I
20 appreciate the question.

21 So it's difficult for us to really
22 assess because at the same time the HELPS
23 program came on board, where we have
24 temporarily eliminated the need for

1 individuals to take a civil service exam for
2 a bunch of entry-level type of positions. So
3 it's hard to get that data.

4 Anecdotally, we believe that it has
5 helped just being at job fairs and out in the
6 community talking to individuals. They
7 appreciate both the HELPS program as far as
8 how efficiently and effectively they are able
9 to get access to state jobs.

10 And then those that are still taking
11 examinations, we've heard from our partners
12 in labor that yes -- oh, I'm sorry.

13 CHAIRWOMAN KRUEGER: Hold that
14 thought. Thank you.

15 Just before I call the next Senator,
16 just for the record, we don't allow posters,
17 photographs. We didn't even think about the
18 question of video or audiotapes. Those are
19 not acceptable in hearings.

20 So just for everyone to know in case
21 other folks are interested in exploring that
22 model: Please, not during budget hearings.
23 Outside in a hallway, fine.

24 Next we have Senator Weik, ranker.

1 SENATOR WEIK: Good morning. Thank
2 you all for your testimony. Thank you for
3 being here today.

4 First, I want to commend
5 Commissioner Hagues. I want to say thank you
6 so much for all the strides you've taken to
7 update civil service, because I know you have
8 a lot of requests to meet and I think you're
9 doing that in a very timely fashion. And I'm
10 very pleased to hear the progress that we're
11 making.

12 With that, I want to ask you, does
13 this proposed budget allocate enough to
14 support the expanding continuous recruitment
15 and increasing test accessibility?

16 DCS COMMISSIONER HOGUES: Yes. Yes.

17 And so we would like to thank the
18 Governor and you, the legislative body, for
19 continuing to invest in the Department of
20 Civil Service. The staffing increase has
21 really allowed us to not only take care of
22 the day-to-day, but look into the future and
23 see how we can effectively transform. And
24 so --

1 SENATOR WEIK: Thank you. And I know
2 we've been talking and I know you're making a
3 lot of progress, that you and your team are
4 working really hard to make sure you're
5 meeting those requests, and I really
6 appreciate that.

7 To switch topics, because I only get
8 five minutes -- so right now we have
9 obviously a big outstanding issue with our
10 corrections officers. And I'm just curious,
11 do you intend to authorize or recommend that
12 DOCCS rehire retired corrections officers to
13 address the intermediate staffing shortages,
14 as was done in the early 2000s?

15 COMMISSIONER HOGUES: I'm not a part
16 of those discussions. I don't know if --

17 SENATOR WEIK: Does anyone else
18 have --

19 COMMISSIONER HOGUES: -- colleagues or
20 anyone else is able to --

21 GOER DIRECTOR VOLFORTE: I think that
22 would be -- sorry to defer to the Department
23 of Corrections on this, but that would be for
24 them to create a program and an ability to

1 make sure that they're properly trained and
2 recertified if they were to seek to rehire
3 those individuals.

4 SENATOR WEIK: Thank you.

5 And as my colleague Senator Rhoads was
6 trying to play was that a corrections officer
7 who is out on workers' comp. So apparently
8 individuals who are out on workers' comp or
9 family leave are being called back to work
10 and, if they don't show back to work, then
11 they're going to be losing -- in danger of
12 losing their health insurance.

13 And is that legal?

14 WCB CHAIR RODRIGUEZ: (Mic issue.)
15 You know, again, I was not part of those
16 conversations. And our work here at the
17 board is limited to whether or not someone
18 has a compensable claim --

19 SENATOR WEIK: Well, the conversations
20 are happening now. So is it legal?

21 WCB CHAIR RODRIGUEZ: I cannot speak
22 to that. All I know is that if someone
23 should be --

24 SENATOR WEIK: Well, who would be able

1 to say whether or not this is legal?

2 WCB CHAIR RODRIGUEZ: I guess I don't
3 understand. The "this" meaning being asked
4 to go back to work? Is that the question?
5 I'm sorry.

6 SENATOR WEIK: So there are
7 individuals who are out right now on
8 workers' comp or paid family medical leave or
9 whatever, and they're being called back and
10 they're being told if they don't come back,
11 they are going to lose their health
12 insurance, as if they were striking. Which
13 they are not.

14 WCB CHAIR RODRIGUEZ: I see. I
15 understand.

16 Again, I hate to defer, only because I
17 don't want to give the wrong answer, but I
18 think that's a DOCCS question --

19 SENATOR WEIK: Because I don't have
20 enough time, I'm just going to move on to the
21 next question.

22 So another question I have is, is it
23 legal for the Governor, under the state of
24 emergency or otherwise, to recall all staff

1 in the Department of Corrections to go back
2 to work, regardless of whether or not they're
3 on vacation, have a doctor's note, family
4 medical leave -- which I just asked. I
5 apologize, I'm repeating myself.

6 Is it legal to charge two AWOL days or
7 every day not reporting to revoke medical
8 insurance on the sixth day? I mean, the
9 steps that we're hearing, are any of these
10 legal?

11 GOER DIRECTOR VOLFORTE: Well, the --
12 I can address some of that. I don't think I
13 can address specific cases.

14 So in terms of leaves are approved or
15 not and the department is currently in the
16 midst of an unprecedented-for-40-plus-years
17 strike, and folks who can return to work have
18 been told to return to work.

19 SENATOR WEIK: Well, we seem to have
20 this big problem with individuals who are
21 legally out under workmen's comp or family
22 medical leave, and they're being told they
23 must come back to work.

24 GOER DIRECTOR VOLFORTE: I think that

1 is part of what they've been told.

2 And what they've also been told is to
3 contact the facility and, if there are
4 circumstances that don't permit their return,
5 those are considered by the facilities.

6 SENATOR WEIK: Okay. And what else
7 can we be doing?

8 Because with the HALT Act there
9 certainly weren't enough individuals already
10 assigned to those correctional facilities to
11 be able to enforce -- and it's funny, we talk
12 to the correctional officers and they do
13 support certain aspects of the HALT Act. But
14 it does require that many more employees be
15 put in place.

16 What are we going to do to fill that
17 shortfall of individuals? What can we do
18 presently? Because obviously it has become
19 so dangerous that it is dangerous to the
20 inmates, it's dangerous to the correctional
21 officers.

22 What are we doing to make sure that
23 there's plenty of staff members there? This
24 is why they're not returning. It's

1 dangerous. What are we doing to ensure there
2 are going to be enough individuals to fill
3 those spots?

4 GOER DIRECTOR VOLFORTE: Well, I --

5 (Time clock sounds.)

6 CHAIRWOMAN KRUEGER: You know what, I
7 will take a few of my minutes and give them
8 to you to answer.

9 GOER DIRECTOR VOLFORTE: Part of the
10 staffing are efforts that the department
11 makes on its own. And I know they've done --
12 I know they've done a number of things in
13 terms of like regional recruiting and things
14 of that nature to buttress the workforce.

15 Part of the goal now is everybody
16 recognizes that there are issues in the
17 correctional facilities. That's been
18 highlighted by the illegal strike. We're
19 currently engaged in mediation to discuss
20 these issues. Because of the sensitivity of
21 it, I'm not going to get into specifics
22 there.

23 But there is a free-flowing and honest
24 conversation going on where we're looking for

1 solutions to help bring those folks back.
2 But it's clear that the first step in making
3 the jails safe is to get everybody back who's
4 supposed to be working.

5 CHAIRWOMAN KRUEGER: Thank you. I'll
6 save the rest of my time for later.

7 Thank you. Onward to Assemblymember
8 Tapia.

9 ASSEMBLYWOMAN TAPIA: Commissioner
10 Reardon, my first question focuses on our
11 immigrant community. I am from the
12 Boogie-Down Bronx, and the majority of us are
13 immigrants.

14 Particularly in the context of federal
15 immigration enforcement now, I mean, how is
16 it that we are ensuring fair wages and
17 employment protections for our immigrant
18 community?

19 And I have another question just in
20 case we can get there. And then many of my
21 constituents have reported difficulties
22 accessing the unemployment phone line in
23 recent weeks. I guess there's a shortage of
24 employees. But do you have any metrics on

1 the average wait time for callers seeking
2 assistance?

3 DOL COMMISSIONER REARDON: So let me
4 answer the first one.

5 Anybody who works in the State of
6 New York is covered by New York law and
7 covered by New York Labor Law. And we
8 enforce it that way. We do not ask people's
9 immigrant -- we don't ask for any status. We
10 ask for how they were harmed. And that is
11 how we do our work. We don't collect any
12 information on people's status when we work
13 with them, so there's no information for
14 anybody to come and ask us to see because we
15 don't have it.

16 It's not our job. Our job is make
17 sure that New York State Labor Law is there
18 to protect the workers, and that's what we
19 do. The door is open, and we're ready to go
20 to work for everybody.

21 ASSEMBLYWOMAN TAPIA: Good to know.

22 DOL COMMISSIONER REARDON: Yes.

23 UI phone lines, I know that there's a
24 problem. Boy, do I know there's a problem.

1 Our phone traffic in the UI call center today
2 is 3.5 times what it was at the same level of
3 unemployment before the pandemic. Something
4 is wrong. And it's not just -- it's --
5 something has changed.

6 I was having this conversation earlier
7 with somebody else. This isn't just my
8 agency. If you talk to other agencies -- I
9 know somebody was talking about an agency
10 they were talking to, and their call center's
11 also being flooded this way.

12 I talk to my doctor's office when I go
13 to my doctor's office, a big practice. They
14 have the same problem. So something has
15 changed in society in the way people handle
16 calling somebody for an answer.

17 We have worked very, very hard to make
18 sure that the trained staff we have are there
19 answering the questions that people need to
20 get answered. We've also worked very hard to
21 deploy technology -- chatbots, texts, emails,
22 all of that -- so we can get answers to
23 people when they need them.

24 We are still experiencing this very

1 high volume, which we are now working with
2 our folks in statistics and research to
3 understand -- they have a lot of data and
4 they're trying to boil it down. We have
5 people -- we have like 35 percent, I think,
6 of callers a couple of weeks ago --

7 (Time clock sounds.)

8 ASSEMBLYWOMAN TAPIA: Okay, thank you.

9 CHAIRWOMAN KRUEGER: Thank you. To be
10 continued.

11 Senator Fernandez.

12 SENATOR FERNANDEZ: Thank you.

13 And good morning, Commissioners.

14 So it's known that a lot of workplace
15 injuries do result in addiction to the
16 prescription drugs that they're given or for
17 pain relief and et cetera. What is the state
18 doing to enhance worker safety, make sure
19 that safety protocols are in place and
20 respected, to prevent workplace injuries?

21 Yes, you.

22 DOL COMMISSIONER REARDON: So that's a
23 complicated answer because Public Employee
24 Safety and Health we are responsible for. So

1 public -- you know, people who work for the
2 state, the city, the municipality. OSHA is
3 responsible for workplace safety outside of
4 New York State DOL.

5 And so there is a complicated
6 relationship there. We -- you know, we are
7 responsible for certain kinds of hazards --
8 asbestos, things like that. But safety on
9 the job itself, if it's a private employer,
10 actually belongs to the federal government.

11 When people -- obviously if somebody
12 reports it to us, we try to make sure that
13 the appropriate people go in and check it.
14 But it is this complicated relationship. So,
15 you know, I wish I had a straightforward
16 answer for you, but we share that
17 jurisdiction -- well, we don't share all the
18 jurisdiction. They have jurisdiction. We
19 have public employees.

20 SENATOR FERNANDEZ: Gotcha. So the
21 workplace is a key location for intervention
22 where employers, unions, communities can
23 become very active in preventing and
24 responding to substance use disorder. With

1 someone who is entering recovery, in
2 recovery, a big tool in their lives is having
3 a steady job.

4 Is there any existing program to
5 support people in recovery and connecting
6 them to jobs?

7 DOL COMMISSIONER REARDON: Wow, that
8 is a good question. I mean, we help a lot of
9 people in a lot of different circumstances.
10 And I, off the top of my head, don't know of
11 a specific program.

12 But obviously HIPAA laws -- I mean, if
13 you're applying for a job, if you're in
14 recovery, that would not be shared
15 necessarily with your employer because you're
16 protected by law, you don't have to share
17 that.

18 I know that OASAS has a lot of really
19 great programming to support people, and they
20 probably have --

21 SENATOR FERNANDEZ: Programming that
22 we had to fight for funding for. So I hope
23 that you can remain in this corner to have
24 those vocational job trainings --

1 DOL COMMISSIONER REARDON: Yes, I
2 think they're probably the partner in this.

3 SENATOR FERNANDEZ: Yes, okay.

4 Well, 23 seconds, I do just want to
5 plug in a bill that I have introduced called
6 Recovery-Ready Workplace Initiative, and it
7 is a set of criteria that any employer can
8 instill in their workplace to make sure that
9 the environment is supportive for people in
10 recovery.

11 So I plan to speak with you and
12 Workers' Comp to see that this can be
13 something we can work towards in all of our
14 workspaces. Thank you.

15 DOL COMMISSIONER REARDON: Thank you.

16 CHAIRWOMAN KRUEGER: Thank you.

17 Assemblymember Bores.

18 ASSEMBLYMAN BORES: Thank you all for
19 being here.

20 I'm going to start with Commissioner
21 Hogue.

22 We've heard a bit about different sort
23 of culture within the organizations and how
24 it responds to their employees. We've also

1 heard about 8,000 open positions. We very
2 much value our workforce here and want to
3 ensure those are filled with new people from
4 the outside. We also want to make sure we're
5 doing everything we can to retain our
6 workforce.

7 So in figuring out why people leave
8 the state workforce, the private sector often
9 uses things like exit interviews. New York
10 City recently passed a bill to require exit
11 interviews of city employees when they're
12 leaving.

13 Do you have a sense of how many
14 agencies, what percentage of employees have
15 exit interviews when they leave the civil
16 service?

17 COMMISSIONER HOGUES: I don't
18 specifically have that.

19 But when you talk about the retention
20 of employees, a couple of things that we're
21 doing that this honorable body helped us with
22 is we're doing a total compensation study to
23 really look at how we are -- to see if we're
24 competitive with the private and other public

1 sectors. So that is one thing that we're
2 going to do to say, Hey, are we losing
3 individuals because of pay in the total
4 compensation --

5 ASSEMBLYMAN BORES: I think that's
6 great, I think that's worth studying.
7 Sometimes people leave for pay, sometimes
8 they leave for a whole bunch of other
9 reasons.

10 Has there been just a study or a set
11 of interviews of the workforce to say, When
12 you're leaving, you know, what are the
13 reasons? And ranking them. Not just saying,
14 focus on compensation or --

15 DCS COMMISSIONER HOGUES: No. No, and
16 I get that. And so I will work with the team
17 and see if we have some data around that.

18 ASSEMBLYMAN BORES: That would be
19 good.

20 COMMISSIONER HOGUES: And we will
21 definitely get back to you on that.

22 ASSEMBLYMAN BORES: Wonderful, thank
23 you.

24 Second of all, I was really excited to

1 see in this budget training specifically
2 around AI for the state workforce. We want
3 to combine the power of AI with the intimate
4 knowledge of the government and of
5 New Yorkers' needs that we have in our civil
6 service workforce.

7 I know that's for IT to implement, but
8 we've talked before -- if you could just
9 share a little bit about what you see as the
10 need there and the receptiveness of employees
11 to this training.

12 COMMISSIONER HOGUES: Yes, so AI is a
13 broad term that means so many different
14 things.

15 And so I believe, as Commissioner
16 Reardon talked about, having that call center
17 and that type of stuff to make sure that we
18 are getting back to employees, potential
19 employees and that type of stuff. Because
20 we're getting -- we're getting a huge influx
21 of calls. And how do we respect the employee
22 and how do we make timely conversations.

23 So I think AI is a --

24 ASSEMBLYMAN BORES: Great. I just

1 have a few seconds left.

2 I want to ask Commissioner Reardon a
3 question on that. Another thing that is in
4 this budget is digitizing children's working
5 papers.

6 DOL COMMISSIONER REARDON: Oh, you're
7 singing my song.

8 ASSEMBLYMAN BORES: How do we make
9 sure that's implemented well and helping
10 these families, right? Obviously that's a
11 tricky project.

12 DOL COMMISSIONER REARDON: It is long
13 needed. It is a paper-based system, it is
14 awkward, we can't get any kind of data out of
15 it.

16 The Governor has put in a proposal,
17 it's a two-year build. It will be an online
18 portal. Parents, guardians, students,
19 employers and schools all go through the same
20 portal. It's on your phone.

21 ASSEMBLYMAN BORES: Thank you.

22 CHAIRWOMAN KRUEGER: Thank you.

23 Senator Mattera.

24 SENATOR MATTERA: Thank you,

1 Madam Chair. And thank you for all being
2 here today.

3 You know, I'm very disappointed,
4 really, that we haven't heard from my
5 colleagues on the other side much about
6 what's happening with the CO issue that's
7 been devastating to all the families. They
8 were all up here the last couple of days.

9 And to Commissioner Reardon, you just
10 stated that you're here and you're here to
11 protect workers. What have you done so far
12 to protect these workers?

13 DOL COMMISSIONER REARDON: I'm sorry,
14 which --

15 SENATOR MATTERA: With the COs, the
16 workers.

17 DOL COMMISSIONER REARDON: In the
18 prisons.

19 SENATOR MATTERA: They're going to
20 lose their insurance. Have you been in touch
21 with the Governor?

22 DOL COMMISSIONER REARDON: This -- as
23 I said before --

24 SENATOR MATTERA: No, not as you said

1 before. You are the Department of Labor.

2 DOL COMMISSIONER REARDON: Thank you.

3 SENATOR MATTERA: Yeah, thank you.

4 And you're doing nothing for these workers
5 and their families that are going to be
6 losing their insurance.

7 It's a disgrace what New York State is
8 doing right now, to sit there and put the
9 blame on somebody else. It's you,
10 Commissioner. It is you that needs to do
11 something, and you're doing nothing to even
12 console these people. To go there, to find
13 out what they need.

14 Why haven't you been there? Why
15 haven't you been there, Commissioner?

16 DOL COMMISSIONER REARDON: As I said
17 before, this is a DOCCS issue. It's not a
18 Department of Labor issue.

19 SENATOR MATTERA: It's about safety.
20 You are the Department of Labor. Again, all
21 those families. We have a commissioner that
22 is passing along to something else. You need
23 to do something, Commissioner, and you're not
24 doing it.

1 DOL COMMISSIONER REARDON: What would
2 you suggest we do?

3 SENATOR MATTERA: You answered the
4 question, you're not doing it.

5 What has your office done to regulate
6 the illegal migrants with green cards? Do
7 you realize, in other words, my unions, all
8 the unions, we can't hire any of these
9 illegal migrants because they don't have a
10 Social Security number. What are you doing
11 about that?

12 DOL COMMISSIONER REARDON: So we have
13 worked very closely with the asylum seekers
14 who came through this state in the last
15 couple of years, and our resources are
16 available to everybody --

17 SENATOR MATTERA: No, do you realize
18 that in other words that the unions cannot --
19 my contractors, with all the unions, cannot
20 hire the illegal migrants -- that we're a
21 sanctuary state and a sanctuary city. They
22 cannot hire anybody without a Social Security
23 card. They cannot do that.

24 DOL COMMISSIONER REARDON: That would

1 be a federal issue. I have no ability to
2 change that law.

3 SENATOR MATTERA: Well, again, what
4 are you doing as the Department of Labor to
5 get these people to go to work, then?
6 Because they can work in the nonunion fields,
7 but they cannot -- yes. Oh, yeah, they're
8 hiring them all over the place. But the
9 union contractors cannot do this.

10 DOL COMMISSIONER REARDON: I have
11 worked on --

12 SENATOR MATTERA: So do you realize
13 that we have 4.5 percent unemployment? That
14 equates to over 400,000 people that are
15 New York State residents. We had the same
16 conversation last year. It's still the same.

17 What are we doing to educate -- we
18 have all these jobs. What are we doing to
19 educate, Commissioner? What have you done
20 since last year to get these people --
21 they're still the same amount of people.

22 DOL COMMISSIONER REARDON: We've done
23 a lot. I work with everybody who's
24 authorized to work in the State of New York.

1 That's the law. And we follow the law. And
2 we've worked very closely --

3 SENATOR MATTERA: You know what, very
4 disappointing here today. Very
5 disappointing. And you need to go see the CO
6 families and do something, do your job.

7 CHAIRWOMAN KRUEGER: Thank you very
8 much.

9 Next -- excuse me -- Assemblymember
10 Jacobson.

11 ASSEMBLYMAN JACOBSON: Thank you.
12 Thank you, Madam Chair.

13 First I want to -- on a positive note,
14 my office is cohosting with the Department of
15 Labor a job fair based on -- focusing on
16 civil service jobs, so I'm very happy about
17 that. It's going to be tomorrow at the
18 Newburgh Campus of Orange County Community
19 College.

20 And your monthly webinars concerning
21 complaints on unemployment, they're quite
22 good for those that work here and in my
23 office, and I would encourage you to
24 continue.

1 One thing I want to bring up is
2 concerning ghost jobs. The only thing worse
3 than being turned down after an interview is
4 finding out that you've applied for a job
5 that doesn't exist. And Resume Builder, it's
6 a career company, did a survey, and in 2024
7 over 40 percent of the jobs do not exist.
8 Employers are just collecting resumes.

9 And I've submitted a bill -- it's not
10 indexed yet -- that we need restrictions
11 concerning when these jobs are posted, that
12 we have to know whether or not they're going
13 to be filled within 90 days or 120 days or
14 whether or not the employer is just looking
15 for resumes. So I want to work with you on
16 that.

17 To the Workers' Compensation chair, I
18 know I've -- I was a Workers' Comp judge and
19 I practiced workers' compensation law for
20 over 20 years, so I'm all too familiar with
21 the Comp Board.

22 Some of your proposals make sense. I
23 think they all make sense as far as the
24 Article VII proposals. The problem we have

1 is doctors are not willing to do comp.

2 And the reason is is because it's a
3 nightmare getting approval for treatment, for
4 physical therapy, for surgery. And what is
5 happening now is that doctors are putting in,
6 they're automatically denied, they're not --
7 there's -- the insurance companies are not
8 looking at what's going on. And then they
9 have to do it again.

10 And so what's happening is cases are
11 being prolonged. People want to get back to
12 work, and this is the major problem.

13 And also, with all these new people
14 that you want to bring in that can treat,
15 you've got to make sure that they do.
16 Because otherwise, if they have problems on
17 this and getting paid, they're not going to
18 be there.

19 So I have four seconds to say thank
20 you. All right.

21 WCB CHAIR RODRIGUEZ: Thank you.

22 CHAIRWOMAN KRUEGER: My first example
23 of someone choosing not to actually ask a
24 question that can't get answered in time.

1 Sorry. Next is Senator Ryan.

2 SENATOR CHRIS RYAN: Good afternoon.

3 First, a comment. I want to go back
4 to the stillborn question. You know, I
5 understand there's limitations in collective
6 bargaining agreements about days off and what
7 they can be used for. But I'm hopeful that
8 in that instance we're not telling people
9 that they have to use their PTO, vacation
10 day, the next day.

11 I'm not saying -- I understand there's
12 limitations, but I just want to reinforce it
13 and reiterate that there's -- I'm hopeful and
14 optimistic we can get a better answer to that
15 and we can do better on that scenario.

16 Second, I'll go back to wage-theft
17 stuff for a quick second here. You said you
18 will -- I think you said you'll take all the
19 help you can get. Can you ballpark that?

20 Is there anything that we can do? It
21 sounds to me, from Senator Ramos --
22 Chairwoman Ramos's question, we're getting a
23 pretty good return on our investment. How
24 can we help you?

1 DOL COMMISSIONER REARDON: So, you
2 know, you have helped us in the past, and I
3 really am very appreciative of it. And I
4 really, honestly appreciate all the
5 conversations I've had with all of you over
6 the last year about the various issues.
7 We've had office hours, I've been able to sit
8 down with a lot of you and talk personally,
9 and it's been really helpful.

10 We are at a place now where, you know,
11 we are retraining, we are hopefully going to
12 have some more digital support for the
13 agency, bringing our methods more into the
14 21st century.

15 But the real thing that we need,
16 honestly, is to get that legislation passed
17 to give us the right to seize property and
18 assess levies.

19 SENATOR CHRIS RYAN: Okay, so that's
20 my next question.

21 You said you need a stick, right? So
22 maybe it's my healthy cynicism or my
23 background, right? If employers aren't going
24 to pay, what can we do to make them pay? You

1 said, you know, you needed a stick. Like
2 what do we need --

3 DOL COMMISSIONER REARDON: That is the
4 stick.

5 SENATOR CHRIS RYAN: What are the
6 enforcement issues? And then can they appeal
7 that? Because you know that they're going
8 to. And if these bad actors aren't paying
9 their employees, then they need to be held
10 accountable to the highest --

11 DOL COMMISSIONER REARDON: So the
12 process is there's an investigation, they
13 have their due process, there's a hearing.
14 And if it's decided against them that they --
15 and decided that they owe these wages, then
16 we pursue that.

17 But oftentimes employers are able to
18 get away with not paying because we don't
19 have an enforcement tool that's strong
20 enough.

21 SENATOR CHRIS RYAN: Well, I only have
22 30 seconds; I've got one more question.

23 But if there's an enforcement tool
24 that you need and we can help, I would be

1 open to that conversation.

2 DOL COMMISSIONER REARDON: That is the
3 Governor's proposal, to give us --

4 SENATOR CHRIS RYAN: All right. Last
5 question, for Civil Service. I think there
6 may have been a year or two ago a study
7 perhaps for wage competitiveness in civil
8 service. Is that --

9 COMMISSIONER HOGUES: So you approved
10 for us to get funding to do that, and we
11 have --

12 SENATOR CHRIS RYAN: I only have
13 20 seconds. Has it been done?

14 COMMISSIONER HOGUES: It's in the
15 process now.

16 SENATOR CHRIS RYAN: Where in the
17 process? How far?

18 COMMISSIONER HOGUES: It was kicked
19 off last month. So should complete close to
20 a year from now.

21 SENATOR CHRIS RYAN: Okay, so can we
22 get a progress update on this, where we are
23 wage competitive? Because I think we need to
24 pay our state employees more money.

1 COMMISSIONER HOGUES: Yes.

2 SENATOR CHRIS RYAN: Thanks.

3 CHAIRWOMAN KRUEGER: Excuse me. So
4 actually the Senate's through our first run.

5 And so next we're going to call
6 Assemblymember Carroll, followed by
7 Assemblymember Simone, just for people to get
8 ready.

9 ASSEMBLYMAN PATRICK CARROLL: Good
10 morning, everyone. Thank you for coming
11 today. We've certainly learned a lot, and I
12 appreciate all your time.

13 My colleagues have touched upon this,
14 but we certainly talked about new hires. As
15 a former state -- well, now I guess I still
16 am a state employee. But as a former state
17 agency employee, I'm curious what you're
18 doing to retain current hires -- and I guess
19 this is for Director Hogues -- both in pay
20 scale and, as I'm sitting here, I'm thinking
21 even employees who are in one track, so to
22 speak, is there an ability to have them seek
23 a diverse track or seek a different track and
24 pivot to another role within agencies?

1 DCS COMMISSIONER HOGUES: Yeah, that's
2 a great question.

3 So New York State is built of many
4 agencies, but it's still one employer. And
5 that's one of the things that attracts the
6 public to New York State. They have the
7 opportunity to flow from agency to agency.
8 Sometimes agency heads don't appreciate that,
9 but we like the opportunity for individuals
10 to have career paths and explore those inside
11 the civil service parameters. So that is one
12 of the things that keeps --

13 ASSEMBLYMAN PATRICK CARROLL: And
14 could you touch upon -- I know you're doing a
15 study on the pay grades. But both in getting
16 them close to par with the private sector,
17 but also are you looking for consistency
18 between the pay grades within agencies and
19 also between agencies?

20 So, for example, someone who is a
21 Grade -- fill in the blank -- 20 in one
22 agency is not doing higher-level work than
23 someone who's a higher grade or a lesser
24 grade in other agencies.

1 DCS COMMISSIONER HOGUES: That's
2 awesome. Yes.

3 And so last year we celebrated
4 75 years of classification and compensation
5 since they were created, and that's exactly
6 what they do, to make sure that there's
7 parity across.

8 ASSEMBLYMAN PATRICK CARROLL: And then
9 finally, my district is down in
10 Rockland County, which is just north -- well,
11 you know where it is, north of the city. The
12 location pay I think is \$3,000. But I would
13 say that it's pretty easy to know that it
14 costs a lot more than \$3,000 to live down in
15 Rockland as opposed to somewhere far -- in a
16 more rural area.

17 Is there any attempts to look at that,
18 the location pay adjustments, and see if
19 it's -- you know, make them a little bit more
20 fair?

21 DCS COMMISSIONER HOGUES: And so, once
22 again, this total compensation study is
23 looking at all of that. That is total comp
24 with cash pay, noncash pay, benefits,

1 location and all that.

2 The way we've done it in the past has
3 been somewhat piecemeal. And so when we got
4 here, we said, Hey, we really need to look at
5 how do we do this thing on a universal
6 schedule and basis. And so we're really
7 looking at this compensation study to inform
8 us.

9 But in the meantime we do have that
10 tool in our --

11 ASSEMBLYMAN CARROLL: Great. Well, I
12 thank you all for your time, and have a nice
13 day.

14 DCS COMMISSIONER HOGUES: Thank you.

15 DOL COMMISSIONER REARDON: Thank you.

16 SENATOR O'MARA: Senator Rolison.

17 SENATOR ROLISON: Thank you,
18 Senator O'Mara.

19 This is directed at Director Volforte.
20 On Monday members of our conference met with
21 I would say 30-plus family members from
22 throughout the state of corrections
23 officers -- their wives, partners, mothers.
24 And I can tell you the stress that those

1 family members are under right now is real,
2 and it is large.

3 And so this is going to play out how
4 it's going to play out, but these are the
5 folks that are dealing with stress in the
6 home before this situation took place with
7 our corrections officers that is going on
8 today.

9 Is your department, your -- the
10 Office of Employee Relations, are you agile
11 enough to meet these demands that they have
12 right now? And I don't know how they're
13 going to seek it, but they need it. And that
14 was what we took away from it.

15 But I'd just like to -- you know, I
16 know there's collective bargaining agreements
17 and EAP and whatnot, but this transcends all
18 of that, what they're dealing with now with
19 not having, you know, their loved ones home.
20 And it's also -- obviously there were
21 children there as well, and we know how
22 they're affected.

23 GOER DIRECTOR VOLFORTE: So I think we
24 are nimble enough to deal with it. Certainly

1 I think we need to -- the strike aside, as
2 you said, it will play out. And we need to
3 resolve that, and that's where we're focused
4 now.

5 But in terms of collective bargaining
6 and other resources available to us,
7 including the State Health Insurance Plan,
8 our collective bargaining agreements, our
9 union partners for not just corrections
10 officers but other employees in the jails --
11 I think that we have the ability to not only
12 utilize current programs, expand them, change
13 them, use funding to meet needs as we go
14 forward. I think we're able to do that.

15 SENATOR ROLISON: And I think also,
16 too -- and I just have about a minute left --
17 in spending a lot of time both prior to this,
18 and I have two correctional facilities in the
19 39th District, Fishkill and Green Haven.
20 I've been there a half-dozen times related to
21 staffing issues and all the other things.

22 The stress also, too, on the civilian
23 staff and our uniformed staff of DOCCS is
24 real too. And having conversations outside

1 of these facilities with these members, you
2 know, you can tell that they're not sure
3 about their futures, which is impacting their
4 mental health, along with their families.

5 And I would -- you know, certainly I
6 know that's what you do. But I think also
7 too, you know, you need to let us know if
8 there pressures on what you need to provide
9 to our state workforce, we need to know about
10 it so you get the resources that you need to
11 do that important work for all of our
12 workers, but specifically right now DOCCS is
13 the crisis.

14 Thank you.

15 GOER DIRECTOR VOLFORTE: Thank you.

16 SENATOR O'MARA: Assemblymember
17 Simone.

18 ASSEMBLYMAN SIMONE: Good morning.

19 This question is for
20 Commissioner Reardon.

21 If a company providing school bus
22 transportation service pursuant to a contract
23 containing EPPs stops performing some or all
24 of its work for any reason, resulting in

1 drivers, attendants, dispatchers or mechanics
2 being laid off, what is the process?

3 DOL COMMISSIONER REARDON: Wow, that
4 is really detailed. So ask me again, because
5 I'm not quite sure I'm following what the
6 question is.

7 ASSEMBLYMAN SIMONE: It was about EPPs
8 and bus --

9 DOL COMMISSIONER REARDON: EPPs are?

10 ASSEMBLYMAN SIMONE: Employee
11 protection provisions.

12 DOL COMMISSIONER REARDON: Oh, got it,
13 okay. What are their -- how do they lay
14 their staff off, is that the question?

15 ASSEMBLYMAN SIMONE: Yes.

16 DOL COMMISSIONER REARDON: You stumped
17 me. I don't know. I'd have to get back to
18 you.

19 ASSEMBLYMAN SIMONE: Okay. I just
20 have a follow-up. And how are they provided
21 priority in hiring?

22 DOL COMMISSIONER REARDON: The bus
23 drivers?

24 ASSEMBLYMAN SIMONE: Yes.

1 DOL COMMISSIONER REARDON: Again, I'd
2 have to find out. I don't know.

3 ASSEMBLYMAN SIMONE: Okay. Thank you.

4 SENATOR O'MARA: Assemblymember
5 Giglio.

6 ASSEMBLYWOMAN GIGLIO: Good morning.
7 It's still morning.

8 So, Commissioner Reardon, would you
9 please tell me what we're doing as far as
10 workforce training for all the people that
11 are collecting unemployment currently? I
12 mean, Mohawk Valley Community College has a
13 great technical school. And I really see
14 that happening at all the community colleges
15 throughout the state.

16 And I know that you're doing a great
17 job as far as getting people into apprentice
18 programs with unions. I sit on the executive
19 board for Local 138 Operating Engineers, and
20 we take students in all the time that
21 graduate and become apprentices.

22 But, you know, Mohawk Valley Community
23 College has a plumbing certificate program,
24 carpentry, flooring, aircraft maintenance

1 installers, welding, medical radiology, HVAC,
2 robotics, mechatronics, metal fabrication,
3 machine shop, airline commercial maintenance.

4 And DOT is looking for mechanics. And
5 I don't know if any of you have tried to call
6 a plumber recently, but I did, and it was
7 very expensive because it really is a dying
8 industry.

9 So what are we doing to get these
10 people off of unemployment and into trade
11 schools? I attended, with many of my
12 colleagues -- a trip to Denmark. And, you
13 know, 95 percent of the population is
14 working. And if they don't want to work,
15 they don't want to be a mechanic or they
16 don't want to be an electrician anymore, then
17 they send them to school for two years to
18 become a plumber. But everybody is working
19 or going to school until they're the age of
20 70 years old, when they can retire.

21 So what are we doing to establish a
22 workforce training program and certificate
23 program, because the union schools just don't
24 have the occupancy to take everybody in that

1 maybe wants to go into a trade.

2 DOL COMMISSIONER REARDON: So that's a
3 great question.

4 And, you know, we don't train people,
5 we direct people to training programs.

6 One of the things that we are very
7 focused on is making sure that we can get
8 people off the bench and back to work. And,
9 you know, I want to congratulate the Governor
10 for her proposals in this budget for the
11 \$10 million for the pre-apprenticeship and
12 apprenticeship programs in the high-need
13 areas. And those are great jobs of the
14 future, so that will help a lot of people get
15 into that area.

16 She's also proposed the free
17 associate's degree for 25-to-55-year-old
18 workers, to retrain and go into those areas.
19 That's really significant. So you think
20 of -- you know, to get out of school you need
21 that training, but you can't afford it.

22 ASSEMBLYWOMAN GIGLIO: You need the
23 schools. You need the community colleges to
24 be able to provide these programs.

1 DOL COMMISSIONER REARDON: That is the
2 community college.

3 ASSEMBLYWOMAN GIGLIO: And the BOCES
4 are great programs in high school, but then,
5 you know, they graduate and they need further
6 education and experience.

7 DOL COMMISSIONER REARDON: Absolutely,
8 yeah.

9 ASSEMBLYWOMAN GIGLIO: So can we work
10 with the community colleges to bring some
11 more of these programs? Suffolk Community
12 College has a few of them, but we really need
13 Department of Labor to fund some of these
14 education programs in the colleges.

15 DOL COMMISSIONER REARDON: So we
16 should have a conversation about the funding.
17 Not right here.

18 But we are very, very focused on
19 making sure that we can connect people to
20 education. So I'd be happy to talk to you
21 offline.

22 ASSEMBLYWOMAN GIGLIO: Thank you.

23 CHAIRWOMAN KRUEGER: Okay, we're going
24 to go on to Assemblymember Simon.

1 ASSEMBLYWOMAN SIMON: Thank you.

2 So, Commissioner, I have a couple of
3 questions for you. And I notice in your
4 testimony you address the issue of wage theft
5 and the Governor's plan to -- you know, the
6 authority to levy liens and seize financial
7 assets following an unpaid wage theft
8 judgment.

9 And that's my concern, the following
10 of the wage-theft judgment and the
11 enforcement capabilities of the Department of
12 Labor. You indicated before you don't know
13 what percentage of total wage theft is
14 actually being investigated, so I appreciate
15 your following up on that. But I noticed
16 last July there was like a press release
17 about 63 million recovered for
18 65,000 workers, which is under a thousand
19 dollars each. But it's also a very tiny
20 percentage of wage theft.

21 You know, I guess my question is: Why
22 are the levels of recovery so small in
23 relation to the problem?

24 DOL COMMISSIONER REARDON: So I

1 wouldn't extrapolate that answer that way.

2 The recovery really ranges widely. We
3 had one worker actually who was an unhoused
4 security worker, and he had -- we got him
5 \$122,000 in back wages. He was able to buy
6 housing for his family. And we had a long
7 conversation with him about it.

8 So there are definitely -- some people
9 miss, you know, a few hours of overtime.
10 Some people don't get paid at all. So don't
11 assume that they're all the same.

12 ASSEMBLYWOMAN SIMON: No, I'm not. It
13 was an average, that's all.

14 DOL COMMISSIONER REARDON: Yeah, I
15 mean, it's really -- it varies wildly.

16 But, you know, we are very focused on
17 making sure that we can reach these people
18 when they have their cases, and do them as
19 quickly as possible.

20 Some of these investigations take a
21 long time for a variety of reasons. If you
22 came to me with a wage issue and you worked
23 in a company of 20 people, we want to keep
24 your identity as private as possible. We

1 don't want any retaliation. We'll go in and
2 pull the wage records for all 20 employees.
3 Because if they're stealing from you, they're
4 stealing from everybody.

5 Those things take time. And being
6 able to get the real wage records may also
7 take time. Then they have to go to court.

8 Once there's a judgment against them,
9 we want to have the authority, if they're not
10 going to pony up what they owe, we want to be
11 able to go after them with the levies of --
12 you know, seize their assets, make them pay.

13 And as I said earlier, in the UI space
14 our UI people are able to do that very
15 effectively.

16 ASSEMBLYWOMAN SIMON: So you've
17 testified in the past that there are a number
18 of these enforcement actions that you just
19 don't have the staffing to do. And you've
20 indicated that today as well.

21 So I would like to ask, what kind of
22 staffing and resources would you need to
23 tackle, you know, 25 percent, even, of the
24 number of wage theft claims that you have?

1 And that's like not even including
2 other enforcement actions that are also
3 similarly complicated to do. I mean, that's
4 obvious, right? So what percentage?

5 (Time clock sounds.)

6 DOL COMMISSIONER REARDON: To be
7 continued.

8 ASSEMBLYWOMAN SIMON: Send me a
9 number.

10 CHAIRWOMAN KRUEGER: Thank you very
11 much.

12 Next is Assemblymember Lucas. Is
13 there an Assemblymember Lucas here? Oh, I'm
14 sorry. Excuse me.

15 ASSEMBLYWOMAN LUCAS: I just had to
16 put on my glasses.

17 CHAIRWOMAN KRUEGER: No problem.

18 ASSEMBLYWOMAN LUCAS: Good morning to
19 everyone. And thank you all, who's in the
20 room, for participating.

21 My question is for you, Commissioner.
22 It's regarding the levy liens and seizure of
23 financial assets.

24 Will the theft judgment allow time for

1 an appeal period from the companies found
2 guilty? And if so, how long before levy
3 liens are enacted?

4 DOL COMMISSIONER REARDON: I don't
5 know that we've gotten that detailed in the
6 process. That is a really excellent
7 question, but I don't think that part of it's
8 been fleshed out yet. We can certainly take
9 that back.

10 And, you know, this is the proposal in
11 the Governor's budget. I don't know that
12 those details are actually in there yet.

13 ASSEMBLYWOMAN LUCAS: Okay. I'm going
14 to go through the rest of the questions and
15 that may apply the same.

16 DOL COMMISSIONER REARDON: Okay.

17 ASSEMBLYWOMAN LUCAS: What percentage
18 of these cases involve immigrant community
19 members? And are these violations able to --
20 are we able to submit it without
21 repercussions as to the legal status of the
22 complainant?

23 DOL COMMISSIONER REARDON: So we know
24 that a lot of wage theft happens in low-wage

1 jobs and often happens in immigrant worker
2 conditions. And, you know, we protect them
3 as much as possible. As I said earlier, we
4 don't collect any information on your status,
5 your legal status. That's not our job. So
6 anybody who works in the State of New York is
7 covered by New York labor law, and we execute
8 it the same across the board.

9 The second part of the question was?

10 ASSEMBLYWOMAN LUCAS: Regarding --
11 well, you kind of answered it, regarding the
12 repercussions.

13 DOL COMMISSIONER REARDON: Yeah. We
14 do have retaliation forces as well.

15 ASSEMBLYWOMAN LUCAS: Okay. Now, the
16 new Wage Theft Investigation Dashboard lists
17 wage violation cases, wages returned to
18 workers, and penalties waged against
19 violators.

20 But can you speak to the percentage of
21 violations relative to the most common
22 crimes? For example, how many companies are
23 being charged for not paying for all hours
24 worked, versus paycheck bounced for

1 insufficient funds?

2 DOL COMMISSIONER REARDON: I don't
3 think the dashboard is that granular.
4 Although it's pretty granular -- it's zip
5 codes, so you can hover over the zip code and
6 it will tell you how many cases are in that
7 area. There's a lot of information, I urge
8 you to go look at it. But I don't think it
9 talks that granularly about the kind of case.

10 ASSEMBLYWOMAN LUCAS: Okay. Is this
11 something that you can consider updating?

12 DOL COMMISSIONER REARDON: We might.
13 It depends on how much the dashboard could
14 hold.

15 ASSEMBLYWOMAN LUCAS: Let me get this
16 last question in. Do companies pay fines for
17 cumulative citations? If so, how many
18 citations are allowed before more dire
19 consequences arise for repeat offenders?

20 DOL COMMISSIONER REARDON: There is a
21 step-up, but I don't have the regulation
22 right in front of me. But there is
23 definitely an increase if you continually
24 violate.

1 ASSEMBLYWOMAN LUCAS: Okay, and just a
2 quick follow-up from my colleague Robert
3 Jackson, Senator Jackson. He asks regarding
4 the number of unemployed currently given to
5 anticipated layoffs.

6 What numbers are anticipated for
7 unemployment this year?

8 DOL COMMISSIONER REARDON: Oh. I'd
9 have to get back to you.

10 ASSEMBLYWOMAN LUCAS: Okay, thank you.

11 CHAIRWOMAN KRUEGER: Thank you.

12 Senator Tom O'Mara, five minutes.

13 SENATOR O'MARA: Thank you.

14 I just want to follow up a little bit
15 on the correction officers situation. And I
16 realize you don't want to get into questions
17 about mediations and things going on. But,
18 you know, there's been a documented increase
19 since the institution of HALT in 2022, a
20 documented increase in inmate-on-staff
21 assaults of 50 percent; of inmate-on-inmate
22 assaults, of over 80 percent. It's going on
23 three years now.

24 I don't understand why the Department

1 of Labor or any of these other groups have
2 not been engaged up to this point on the
3 safety conditions in the prisons. Have you
4 not been aware of it?

5 DOL COMMISSIONER REARDON: As I've
6 said before, the conditions in the prison
7 really fall under the supervision of another
8 agency. It doesn't fall under the
9 supervision of the Department of Labor. And
10 I'm happy to look into whatever efforts we
11 can make, but it's not something that we
12 routinely cover.

13 SENATOR O'MARA: Well, don't you
14 oversee the general enforcement of labor in
15 the state and safety conditions and working
16 conditions?

17 You know, in addition to these
18 assaults on staff and on other inmates, there
19 has been routinely required working of double
20 shifts of up to 24 hours plus. Is that not
21 in violation of some labor laws of New York
22 State? That because they're within
23 corrections, they're just allowed to hold
24 workers over for 24, 36 hours? How is that

1 remotely safe? Regardless of the HALT
2 implications in the assaults, but just those
3 working conditions. Why has the Department
4 of Labor not been engaged in those issues?

5 DOL COMMISSIONER REARDON: We have not
6 received complaints on that. They are
7 covered by a union, and I assume that the
8 union bargains with the employer over those
9 conditions.

10 SENATOR O'MARA: Well, and they have
11 raised those issues. I've raised those
12 issues over the past three years. The
13 Executive has been aware of those issues.
14 The commissioner of DOCCS has been aware of
15 those issues.

16 And it's concerning to me that they
17 haven't been elevated to any of your levels
18 to try to help with this situation. And
19 you're all just sitting there like, Well, not
20 my job, it's DOCCS.

21 You need to get engaged and try to
22 work on a resolution of these issues. This
23 is not a standard situation where these
24 officers are out because they want more

1 money. That's not what it's about. It's
2 about the safety, the unsafe working
3 conditions in there. And that should be
4 something that should be of concern to every
5 one of you there sitting at this table. And
6 I see nothing other than saying nothing,
7 passing the buck, saying it's up to the DOCCS
8 commissioner.

9 Well, either the DOCCS commissioner's
10 not doing his job or the Executive's not
11 listening to him and information is not
12 getting passed to you all. But it should be.
13 And I'm calling upon you all to get engaged
14 in this for the safety of the corrections
15 officers working and doing an extremely
16 dangerous job.

17 DCS COMMISSIONER HOGUES: So, Senator,
18 from -- if I may, from the civil service
19 standpoint, we work closely with DOCCS as far
20 as their staffing situation. And the team
21 has taken a number of actions to help them as
22 far as reaching out to staff and removing
23 barriers for them to bring on new staff.

24 And we would be happy to sit down and

1 talk about a bunch of the different things
2 that are going on. So from our standpoint,
3 we're always looking at how do we provide
4 staffing for agencies so that they can
5 adequately do their jobs. We know that --
6 sorry.

7 SENATOR O'MARA: No, go ahead.

8 COMMISSIONER HOGUES: We also know
9 that, as I mentioned earlier, individuals are
10 just not choosing to go into law enforcement
11 and public safety jobs as they used to in the
12 past. And so we're looking at how do we help
13 with that as well.

14 So we all appreciate and understand
15 the severity of the situation even before
16 this point in time.

17 SENATOR O'MARA: No, I appreciate
18 that. And I certainly do understand the
19 difficulties that law enforcement at all
20 levels is dealing with, based on, in large
21 part, actions of this Legislature over the
22 years on pro-criminal policies, criminal
23 coddling policies. And the HALT is a prime
24 example of that that has exacerbated

1 conditions.

2 And I'm aware that DOCCS has tried to
3 improve recruiting efforts. There's one
4 issue right now, and I'm not sure it's on
5 your radar -- it just came to my attention --
6 that particularly in an area where I
7 represent, Elmira, right on the Pennsylvania
8 border, that they can't hire Pennsylvania
9 residents to be correction officers in
10 New York.

11 Is that something that we should be
12 looking at changing?

13 CHAIRMAN PRETLOW: Well, maybe.

14 CHAIRWOMAN KRUEGER: Maybe.

15 Next?

16 CHAIRMAN PRETLOW: Assemblyman
17 Santabarbara.

18 ASSEMBLYMAN SANTABARBARA: Thank you.

19 Thank you all for being here. Thank
20 you, Commissioner, for being here.

21 I wanted to talk about the
22 firefighters that serve on our air bases with
23 the Division of Military and Naval Affairs.
24 I had some conversations with them, and it

1 appears they're understaffed as well and it's
2 having an impact on our communities.

3 One of the issues is they're not
4 receiving the same benefits as other state
5 firefighters as well.

6 Just your thoughts on recruiting more
7 of these firefighters -- they are needed --
8 and what we can do to maybe see more parity
9 amongst the firefighters in the state.

10 DOL COMMISSIONER REARDON: I'm not
11 aware that there's no parity, so that's an
12 interesting thing to look at.

13 ASSEMBLYMAN SANTABARBARA: I did
14 introduce a bill that speaks to this, but it
15 would be great to have some support or just
16 to hear your thoughts on it as well.

17 DOL COMMISSIONER REARDON: Sure.

18 So we do as much recruitment as we --
19 we work a lot with Civil Service to recruit
20 people. And we do -- as Assemblymember
21 Jacobson said, we do job fairs strictly for
22 civil service jobs.

23 And we'd be happy to talk to you about
24 the locales, because it really is a very

1 local issue, and see, you know, if we can put
2 together some job fairs and see what we can
3 do to support you.

4 It is -- these are difficult jobs to
5 fill, just like the prison jobs are difficult
6 to fill. We do have -- we try to have state
7 agencies at all of our big job fairs. The
8 Martin Luther King job fair in April, we had
9 a lot of state agencies there because we
10 understand the need for better staffing. But
11 they are difficult jobs to fill. I would
12 love to have a conversation with you offline
13 and maybe to support you.

14 ASSEMBLYMAN SANTABARBARA: Maybe we
15 could take a look at the bill or I could send
16 it over.

17 DOL COMMISSIONER REARDON: Sure.

18 ASSEMBLYMAN SANTABARBARA: Love to
19 have the Governor's support on it as well.

20 With regards to understaffing, I just
21 also wanted to ask about some of our
22 agencies, particularly OPWDD, as I'm the
23 chair of the committee on People with
24 Disabilities, I have some interest in that.

1 And also with DOCCS, as we've been
2 talking about today, what's being done to
3 recruit more staff and retain staff as well.
4 And maybe we could talk a little bit about
5 that.

6 DOL COMMISSIONER REARDON: Yeah, I'd
7 love to have that conversation.

8 You know, we do work with people with
9 disabilities. We have disability resource
10 coordinators across the state who work
11 directly with the customers. It is
12 everybody's desire to get people into the
13 workforce at whatever capacity they can. And
14 if they need adaptive technology or whatever,
15 we're happy to have those conversations as
16 well.

17 All of our career centers have
18 adaptive technology for customers to come in
19 or to talk to us by Zoom or communicate by
20 Zoom, because it is an important part of our
21 culture. And, you know, everybody needs to
22 have the same opportunity.

23 ASSEMBLYMAN SANTABARBARA: I've just
24 got a few seconds left. I want to talk about

1 the civil service exam, just modernizing it,
2 what's being done to make it more accessible
3 for people.

4 There are complaints that I hear about
5 delays and inefficiencies. Maybe just with
6 the time we have left, just talk -- maybe
7 talk a little bit about that.

8 DCS COMMISSIONER HOGUES: Yeah. And
9 so that is what our focus has been on over
10 the past couple of years.

11 We are on that trajectory. We are
12 creating testing centers throughout the state
13 to make sure they're accessible, as well as
14 looking at the forms that we're utilizing.
15 But we can definitely talk more.

16 ASSEMBLYMAN SANTABARBARA: Thank you.
17 Thank you for your answers.

18 CHAIR PRETLOW: Assemblyman Ra.

19 ASSEMBLYMAN RA: Thank you.

20 Good afternoon. Commissioner Reardon,
21 I think we spoke about this last year, but I
22 wanted to ask again what the department is
23 doing and has been doing regarding
24 unemployment, you know, modernization, having

1 additional tools to combat fraud and increase
2 your speed when it comes to processing of
3 benefits.

4 DOL COMMISSIONER REARDON: So the
5 UI mod system is currently in the testing
6 phase. And I am very excited about that.
7 The development is done, it's finished, and
8 now we have to test it to make sure it works
9 the way we need it to work.

10 It is an exciting part of this
11 journey, but we are getting there and I'm --
12 this will be the gold standard for the
13 country when we, you know, make it go live.
14 It's been a long time coming, but it's
15 coming.

16 The fraud issue, we have a lot of
17 technology that we now use for fraud
18 detection. And we stopped -- I have a number
19 here, and I'll find it for you. It's
20 billions of dollars in fraud were stopped in
21 the last several years.

22 And, you know, the pandemic alerted us
23 to a very different kind of fraud in the
24 system that we had never seen before. These

1 were international criminal gangs that stole
2 people's ID, all of their ID, and used it to
3 create a fake benefit account that looked
4 real.

5 So we had to really change the way we
6 do everything. That's why we have the
7 tougher -- that's one of the reasons it's
8 harder to get into UI sometimes because you
9 have to be able to prove that you're you.
10 But that's for the benefit of everybody.

11 And I can give you some numbers
12 offline. It is a very, very rigorous
13 program.

14 ASSEMBLYMAN RA: And I'd appreciate
15 those -- I would appreciate those numbers.

16 Wage theft. I know we have some
17 proposals to expand wage recovery tools,
18 including the seizure of assets from
19 employers. I know we had some proposals last
20 year that didn't make it over the finish
21 line.

22 ASSEMBLYWOMAN SIMON: This year.

23 (Laughter.)

24 ASSEMBLYMAN RA: Yes. Good.

1 So are there differences between last
2 year's proposal and this one? And if you
3 could just talk a little bit about what these
4 new tools, if we were to get this over the
5 finish line, are going to enable the
6 department to do in terms of enforcing this
7 issue.

8 DOL COMMISSIONER REARDON: I don't
9 know specifically what -- there probably are
10 some differences. I don't know specifically
11 what they are right now.

12 But I do know that being able to go in
13 and seize property and, you know, do the
14 levies is really, really important. Because
15 if an employer cheats their workers
16 consistently, gets an administrative judgment
17 against them, and we don't have the ability
18 to force them to pay, they're going to
19 continue to steal. That's just nature.

20 And what we need to do is cut it off
21 at that first instance. If they know that we
22 can seize their property if they're not
23 paying up, that's a very different story.
24 And the people on the UI side of my agency

1 are very adept at making sure that people pay
2 their back UI debts. We do not have the same
3 problem in UI collections at all.

4 So this is a really serious stick that
5 we seriously need.

6 ASSEMBLYMAN RA: Thank you.

7 And then for GOERs, you know, I've
8 heard some concerns from the workforce labor
9 side regarding artificial intelligence and
10 the increased use of artificial intelligence.
11 So what specific measures or initiatives has
12 your office undertaken to address some of
13 these concerns regarding the impact of AI on
14 workers?

15 GOER DIRECTOR VOLFORTE: Sure. So the
16 Legislature passed and the Governor signed
17 the LOADinG Act. I think that's the first --
18 so it's not -- I'm not taking credit for
19 that, but just pointing out that that has
20 certain protections and guide rails in that
21 which protect the state workforce.

22 Also with our largest union that works
23 in the technology area, we have a
24 labor/management committee set up to

1 specifically talk about issues related to AI
2 so that they're brought to the forefront of
3 my agency and ITS as well, since they are the
4 chief technology agency.

5 And so then if those two things don't
6 impact or cover any subject, certainly any
7 union is free to reach out to my office and
8 engage us in a conversation, and we'll talk
9 about specific issues related to AI.

10 ASSEMBLYMAN RA: Thank you.

11 CHAIRWOMAN KRUEGER: Hi, I'm going to
12 take -- I don't have 10 minutes left. I
13 think maybe I had seven minutes. Five
14 minutes? Whatever you tell me I have left.
15 Thank you. You keep track. Thank you.

16 So first I'll do what I tell people
17 not to do, which is make a speech. But I
18 feel like I need to.

19 We have done prison reform in this
20 state. It is not incarcerated coddling. So
21 just to go on the record in objection to some
22 of the language being used today.

23 Yes, we are allowed to ask you hard
24 questions. You all represent the Governor,

1 and so people are absolutely entitled to ask
2 hard questions. But we know for a fact that
3 the situation with the wildcat strikes at our
4 prisons are both illegal and are getting a
5 huge amount of attention from the Governor
6 and the appropriate staff, which is not most
7 of you at this table today.

8 And we hope that this is resolved as
9 quickly as possible for the sake of the
10 health and safety of everyone who works in
11 the prisons -- not just the striking guards,
12 but also the incarcerated people who didn't
13 get to go and sit home watching TV while all
14 of this is happening.

15 So I do hope that the Governor is
16 successful in the negotiations that I believe
17 are ongoing to resolve this as quickly as
18 possible. So that's my speech.

19 Now to ask questions. And it was
20 brought up very early, but I wanted to go
21 back to that. We know that the federal
22 government is laying off some of the best and
23 brightest, and we want them to come work for
24 us.

1 So I just want to also -- like I want
2 to do TV commercials: You lost your job with
3 the federal government and you're a
4 New Yorker? Come talk to the state
5 immediately. If you lost your job -- I
6 watched a news show this morning about park
7 rangers being laid off all over the country.
8 We have a shortage of park rangers. I want
9 us to like find those people individually and
10 say, Come to New York. We need park rangers
11 and park police. We need everybody.

12 So is there a model that we haven't
13 thought of yet to be reaching out, not just
14 to the unemployed, talented federal employees
15 but also to even invite them to come here
16 from other states. We're a great state to
17 live in and work in.

18 So do we have new ideas about how we
19 market ourselves? Because this is a whole
20 new world out there.

21 COMMISSIONER HOGUES: Yeah, and so --
22 thank you for that. And that's exactly what
23 the Governor has started with this new
24 campaign in reaching out for individuals from

1 the federal government to come work for
2 New York State.

3 Because we have done a couple of
4 things, right? With the HELPS program, we
5 have made it easier than ever for individuals
6 that meet the minimum qualifications to apply
7 and be hired, right? And so we have
8 shortened the time that it takes and the
9 process, temporarily, for individuals to come
10 in.

11 So I think this is a perfect scenario.
12 We have started marketing campaigns that the
13 department had never done before on this type
14 of scale because of the investments that your
15 honorable body made to the Department of
16 Civil Service for us to get out on social
17 media, on the trains, on billboards and that
18 type of stuff. And we've been able to
19 utilize state employees in these marketing
20 campaigns.

21 And so it really has been effective.
22 We've been using LinkedIn even more than we
23 had ever before, because we know that's where
24 the market goes to find jobs. And so we're

1 looking at how do we do that better, how do
2 we better explain the opportunities that are
3 available for individuals to come be a part
4 of New York State instead of using the old
5 language that is very confusing.

6 And so those are a bunch of the things
7 that we have been doing and that we will
8 continue to do to market to individuals that
9 will be a great fit for -- to become a
10 New York State employee. And we're always
11 willing to have conversations. As
12 Commissioner Reardon said, we are doing more
13 job fairs than we had ever done before,
14 thanks to the Governor and this honorable
15 body being able to lift the hiring freeze.

16 And so we're doing them both
17 physically and virtually, which we had never
18 done before, and we're getting thousands of
19 individuals coming and participating in those
20 job fairs and career fairs. And so I'm
21 excited about the opportunity to fill a bunch
22 of these vacancies.

23 CHAIRWOMAN KRUEGER: And I know that
24 if you're a New York City employee who

1 becomes a state employee, or vice versa,
2 there's some rights to transfer years and
3 benefits, et cetera.

4 And I know these federal employees
5 that are getting laid off, sometimes with an
6 email notice, don't think they're going to be
7 able to be eligible for their benefits. Is
8 there some kind of mutual transition that
9 also can possibly happen to encourage these
10 federal workers to come to work for us?

11 GOER DIRECTOR VOLFORTE: We can -- I
12 mean, the -- I would -- the Comptroller's
13 kind of the expert in the retirement area.

14 But I would say I'm not aware of
15 anything, because that would be an entirely
16 different non-state pension system, to the
17 extent that that employee had one. But it's
18 certainly something we can explore and
19 confirm that there isn't a way.

20 CHAIRWOMAN KRUEGER: Because sometimes
21 we give special -- we give extra points on
22 tests, based on previous experience, if
23 you're a veteran, et cetera. Is there
24 potentially a parallel extra points for

1 recognition if you were a federal employee?
2 I'm just making this stuff up. This is what
3 you guys do.

4 (Laughter.)

5 COMMISSIONER HOGUES: And so that is
6 something that can be considered. But it
7 would be a lengthy-type process, most likely.

8 And so I think the number-one tool --
9 and I don't want to keep saying it over and
10 over, but I do -- is the NY HELPS. Because
11 once again it temporarily eliminates the need
12 for individuals, for jobs that are open to
13 the public, for them to meet the minimum
14 qualifications and apply, send in their
15 resume. And they have the opportunity to get
16 interviewed and hired.

17 And so that is the vehicle that we are
18 telling individuals to reach out to. And so
19 they can go to statejobs.ny.gov.

20 CHAIRWOMAN KRUEGER: And you were
21 talking about job fairs, and I'm not against
22 those, but when we're trying to reach out to
23 federal employees who might have lost their
24 jobs other places, I think being creative

1 with social media -- I know I've spent years
2 now watching certain governors and other
3 states put social media here saying, Oh, get
4 out of New York and come to here. And I've
5 always been like, Oh, please, are you
6 kidding?

7 But I actually think we should do
8 exactly the same thing --

9 (Laughter.)

10 CHAIRWOMAN KRUEGER: -- at this moment
11 in history, because there's a lot of reasons
12 nobody should want to live in those states
13 anyway. So we're also using social media and
14 more I guess modern models, even if the
15 people aren't here to come to a job fair.

16 COMMISSIONER HOGUES: Definitely, yes.

17 CHAIRWOMAN KRUEGER: Okay, I'm going
18 to give up the rest of my time and move it to
19 the Assembly.

20 CHAIRMAN PRETLOW: All righty,
21 Senator, I thank you.

22 And I agree with you on the statement
23 that there's an availability of workers now,
24 I'm assuming, in New York City that still

1 hasn't rebounded from pre-pandemic levels.
2 The rest of the state has, but because of the
3 influx of individuals into the city, the
4 unemployment rate in New York City is a lot
5 higher than anyplace else in the state.

6 I'm going to say I have two questions
7 that were handed to me, both for
8 Commissioner Reardon.

9 You had mentioned that the minimum
10 wage is being increased steadily and by 2027
11 it will be tied into the rate of inflation.

12 DOL COMMISSIONER REARDON: Yes.

13 CHAIRMAN PRETLOW: And I'm told that
14 the average starting wage for a wage
15 inspector is between \$47,000 and \$49,000, and
16 it hasn't changed since 2010. And the
17 Consumer Price Index shows that since then
18 the CPI has gone up 46 percent. So it seems
19 that your employees aren't keeping up with
20 inflation.

21 What if anything are you doing to
22 alleviate that issue?

23 DOL COMMISSIONER REARDON: What gives?

24 So actually we worked with my friend

1 at Civil Service to do an audit of a number
2 of lines at the agency and were able to
3 increase -- because, you know, they were
4 working well below what they should have been
5 paid, so they've gotten increases, step
6 increases.

7 And that's actually what it takes,
8 because these are civil service jobs. And I
9 don't set their wages. So we need to go to
10 Civil Service and have them do an audit and
11 determine if they deserve that increase. And
12 they've done that for I think three lines
13 now, something like that.

14 But it's a process. I wish I could
15 just wave my magic wand, but it's not
16 actually up to me. And that's true of all
17 the state agencies. So we are -- you know,
18 to Tim's point, when they're looking at this
19 compensation study, that's a lot of it,
20 making sure that we are being competitive.

21 I should say also, when you're talking
22 about getting people into state service, we
23 do a lot of work in our career centers to
24 educate people who come in -- people on

1 unemployment, but also people looking for
2 career help.

3 We give them a lot of information
4 about working for the state, and we talk
5 about forgiveness of student loans and the
6 benefit package and being, as Tim said -- the
7 state is an umbrella employer, and you can
8 start in one agency and move to other
9 agencies as you wish, or move to different
10 parts of the state. And you still carry all
11 of your benefits, all of your, you know,
12 vacation time, all of that. So that's a real
13 bonus in today's workplace. And we're very,
14 very active in letting communities know that
15 these things are there for them.

16 CHAIRMAN PRETLOW: Okay, thank you.

17 And my second question is paid family
18 leave. We made a big deal of it, we in the
19 state, the Governor did, the Legislature did.
20 But it's my understanding that state
21 employees don't qualify for this. Is that
22 true?

23 DOL COMMISSIONER REARDON: That's a
24 Michael question.

1 GOER DIRECTOR VOLFORTE: They qualify.

2 And we have rolled out paid family
3 leave, the statutory benefit, with two
4 unions. The primary issue that's arisen in
5 discussions with them is the payment and
6 contribution from the employees.

7 And on top of that, even though it
8 doesn't cover all the categories that paid
9 family leave does, we have in the last round
10 of bargaining, which is almost completed,
11 we've negotiated paid parental leave where
12 we've given 12 weeks of leave for birth,
13 adoption and foster-care placement, which are
14 some of the paid family leave categories.

15 So now state employees can access
16 those benefits without having to pay for
17 them. And that's a full paid benefit.

18 So that's where we are with paid
19 family leave, but that's been one of the
20 primary reasons behind not having paid family
21 leave for the state workforce at large.

22 CHAIRMAN PRETLOW: Thank you.

23 Senator?

24 CHAIRWOMAN KRUEGER: Thank you.

1 Senator Ramos for a follow-up,
2 three minutes.

3 SENATOR RAMOS: All right. Very good.
4 Thank you so much.

5 Ms. Rodriguez, thank you so much for
6 being here. We've been longing for the
7 Workers' Compensation Board to be included.
8 By "we" I mean me.

9 (Laughter.)

10 SENATOR RAMOS: Longing for the
11 Workers' Compensation Board to be included in
12 these budget hearings. Because even though
13 you're a special revenue agency, and you are,
14 you know, incidentally this year in the
15 Executive Budget there is hopefully going to
16 be more money allocated so that services are
17 provided much more effectively.

18 I want to talk about pharmacies today.
19 So my understanding is that injured workers
20 are having a great deal of trouble trying to
21 access the medicine that's been prescribed to
22 them so that they can get better and many
23 times, hopefully, go back to work.

24 It's with this in mind that I passed

1 S4926. And the argument from the Workers'
2 Compensation Board to oppose my bill is that
3 it would increase litigation costs to allow
4 workers to get medicine from the pharmacy of
5 their choosing. Which in rural New York in
6 particular might just be the pharmacy that's
7 closest to them. I can only imagine how hard
8 that is on an injured worker.

9 Can you tell me, you know, why it is
10 that you don't think that your own proposed
11 regulation would lead to a surge in court
12 cases if carriers controvert claims to
13 deliver medications? Wouldn't that create
14 both an administrative burden and an
15 additional bureaucracy with mandated
16 prescribed forms?

17 WCB CHAIR RODRIGUEZ: Thank you,
18 Senator. And also thank you for your
19 interest in this issue that we feel is also a
20 really important one and, quite frankly, an
21 intractable issue because as you know,
22 carriers do have outsized control about
23 whether or not they're going to legally
24 dispute the --

1 SENATOR RAMOS: I'm sorry, can you
2 answer the question, in the interests of
3 time.

4 WCB CHAIR RODRIGUEZ: Yes, absolutely.

5 I just wanted to also say that I think
6 this -- we have proposed regs, as directed by
7 the Governor, and they are right now out for
8 public comment until March 1st. So we will
9 accept all comments and we'll revisit the
10 regulation.

11 We actually think that this gets more
12 to the root of the issue, because what the
13 regulation -- the proposed regulation would
14 do is that it would require carriers to give
15 notice when they are not going to pay for a
16 medication for -- because of a legal dispute.
17 If said notice is not provided, there's
18 actually a penalty on the employer and the
19 injured worker can then go out of network and
20 try and fill that prescription that way --

21 SENATOR RAMOS: Why does the proposed
22 regulation focus only on controverted claims?

23 WCB CHAIR RODRIGUEZ: It doesn't,
24 actually. It's any claims.

1 So a carrier can say that they're not
2 going to pay for a medication even when the
3 case is not controverted. It could be -- you
4 know, it could be established, they went
5 ahead and accepted it, but for whatever
6 reason they're going to dispute this
7 medication at this time. So it applies to
8 all cases even when they're not controverted.

9 SENATOR RAMOS: It just always seems
10 to me that there's always hurdles for an
11 injured worker to get better.

12 CHAIRMAN PRETLOW: Thank you, Senator.

13 SENATOR RAMOS: That's fine. I got it
14 in.

15 CHAIRMAN PRETLOW: Assemblymember
16 Stacey Pheffer Amato for a three-minute
17 follow-up.

18 ASSEMBLYWOMAN PHEFFER AMATO: Thank
19 you very much.

20 Mentioned earlier was that we have
21 8,000 vacancies, right? Prior to COVID --
22 let's just use that time frame -- do we have
23 an average of what the vacancy rate was on
24 the state workforce?

1 COMMISSIONER HOGUES: Well, there was
2 also a hiring freeze. And so it's sort of --

3 ASSEMBLYWOMAN PHEFFER AMATO: So
4 before that. Like what was the last --
5 what's our number? Like what's our average
6 number?

7 COMMISSIONER HOGUES: So when I walked
8 in in June of 2022, the Governor looked at me
9 and said, "We have over 15,000 vacancies, and
10 let's get to filling them."

11 ASSEMBLYWOMAN PHEFFER AMATO: And then
12 our lowest number, like prior to your time?
13 Do you have any of those records?

14 COMMISSIONER HOGUES: I don't have
15 that, but I can get that.

16 ASSEMBLYWOMAN PHEFFER AMATO: Okay.
17 I'd be interested to see what the looks like,
18 because of the 8,000 vacancies -- I'm just
19 going to go back to what we were talking
20 about before. And again, I'm very proud to
21 be part of the conversations with NY HELPS
22 and getting folks hired, and talking about
23 our federal brothers and sisters who might be
24 coming here to work.

1 But I want to talk to the next
2 possible person and go back to the
3 competitiveness and those positions that we
4 don't have exams, and what we could do to go
5 forward. Because we're going to just lose
6 those people when they don't have anywhere to
7 go. You could take a lower-paying job, say.
8 It's lower, but you know the hope is to get
9 to the next level.

10 And so, again, what are you -- because
11 I'm sure you were thinking about it after I
12 said it. But what can we do, and how can we
13 support you to help that process? I know
14 we're going to have testing centers, but is
15 it that you're having your own struggle
16 having people who mark the exam, write the
17 exam?

18 Like what could we do to partner to
19 move that along? It's just -- it's very
20 frustrating for the workforce.

21 COMMISSIONER HOGUES: No, that's a
22 great question. And obviously after the
23 pandemic, the workforce -- desire to work and
24 all that has shifted.

1 And so when you talk about our testing
2 centers that we had prior to COVID, those
3 individuals that are test monitors, they left
4 in mass droves as well. And they haven't
5 returned to wanting to fill those positions.
6 So we've struggled in that area.

7 And then when we talk about the
8 availability of space -- and so that's why we
9 proposed and it was in the budget for us to
10 have civil service-controlled testing
11 centers.

12 But the crux of the matter is we're
13 really reimagining how we're doing our work
14 and transforming that so we can be much
15 quicker and faster and efficient and
16 equitable in that work. And so that is the
17 solution, and that's the investment that we
18 appreciate that is allowing us to get to that
19 point.

20 And so the HELPS program is a stopgap
21 while we're working on the transformation of
22 Civil Service.

23 ASSEMBLYWOMAN PHEFFER AMATO: And,
24 Commissioner Reardon, you were mentioning

1 internships. Are they paid internships that
2 you have in your house?

3 DOL COMMISSIONER REARDON: Yes. We
4 would never have an unpaid internship.

5 ASSEMBLYWOMAN PHEFFER AMATO: Okay.
6 Because I also save some of my yearly budget
7 for paid internships in the summer.

8 DOL COMMISSIONER REARDON: Yeah. It's
9 a great thing to do.

10 ASSEMBLYWOMAN PHEFFER AMATO: And is
11 this something that we could do on the state
12 level that's like the city, that has the
13 Summer Youth Employment opportunity? Because
14 as we were just saying before, it's early
15 exposure for our high school seniors and then
16 early college folks who come home and say, Is
17 that a job to meet me?

18 Is there something that we could talk
19 about in --

20 DOL COMMISSIONER REARDON: I think
21 there are high school internships as well in
22 the summertime.

23 But we could have that conversation.

24 ASSEMBLYWOMAN PHEFFER AMATO: Okay,

1 great, thank you.

2 DOL COMMISSIONER REARDON: Yeah, love
3 it.

4 CHAIRWOMAN KRUEGER: Next is a
5 three-minute follow-up from Senator Jackson.

6 SENATOR JACKSON: Thank you.

7 Well, thank you all for coming, as
8 I've said.

9 Commissioner Hogues, I asked you to
10 follow up on the details of NY CARES {sic} as
11 far as, you know, people may be coming in but
12 some may be leaving. But people want to see
13 from a holistic point of view the impact on
14 new employees coming into the system. So I
15 don't know whether or not that's
16 automatically what you're going to do or you
17 may want to consider that.

18 I know that my union, PEF, has asked
19 that question to be asked, and so I'm asking
20 you, as the commissioner for New York Civil
21 Service Commission, to look into that.

22 And as far as -- Director, I
23 understand that in my information that I have
24 there's two unions that may have been

1 discussed that have not come to an agreement
2 on an expired contract. Is that correct?

3 GOER DIRECTOR VOLFORTE: That is
4 correct.

5 SENATOR JACKSON: And what are those
6 two unions? Who are they?

7 GOER DIRECTOR VOLFORTE: One is
8 NYSPIA, which represents criminal
9 investigators in the State Police, and the
10 other one is the Graduate Students Union.

11 SENATOR JACKSON: And what was the
12 second one?

13 GOER DIRECTOR VOLFORTE: Graduate
14 Students Union.

15 SENATOR JACKSON: Okay. Well, I
16 just -- I would encourage the State of
17 New York to get it going so that you have
18 agreements with those unions.

19 I am concerned, as my colleagues
20 expressed, about the corrections officers'
21 strike. I've listened to the news, I've read
22 the newspapers. I'm hearing that there is a
23 mediator trying to mediate it. But please
24 express to your supervisors -- and I believe

1 that may be the Governor -- that this is a
2 major impact on correction officers, their
3 families, and incarcerated individuals and
4 their families.

5 And as you know, at least one
6 incarcerated individual has died as a result
7 of medication, is my understanding in reading
8 it, but as a result of the strike and not
9 getting proper medication and what have you
10 and so forth.

11 This is -- it's a mess. And we need
12 to come to the table in order to come to
13 agreement. And I ask all of the parties
14 involved to come to the table and let's work
15 it out for the betterment of all. And I say
16 that as someone that has two family members
17 that are currently correction officers.
18 So -- but I'm concerned about everyone.

19 And I saw on the news this morning
20 where the wife of an incarcerated individual
21 was crying about the situation that her
22 husband is in. So it is impacting everyone.
23 And we just need to all work together to work
24 it out.

1 So please pass that on.

2 GOER DIRECTOR VOLFORTE: Thank you.

3 SENATOR JACKSON: And thank you for
4 your service.

5 GOER DIRECTOR VOLFORTE: Thank you.

6 CHAIRWOMAN KRUEGER: Thank you.

7 Assembly.

8 CHAIR PRETLOW: Assemblyman Harry
9 Bronson for a three-minute follow-up.

10 ASSEMBLYMAN BRONSON: Thank you.

11 So first of all, Chair Rodriguez, if
12 you could just get to us your -- the intent
13 of the language on the regulations that will
14 cover not only -- will cover all claims and
15 not just uncontroverted claims. Because the
16 Workers' Comp Bar is saying it will only
17 cover that.

18 So I don't need an answer today.
19 Please provide your analysis on those
20 regulations.

21 WCB CHAIR RODRIGUEZ: I'm happy to do
22 so.

23 ASSEMBLYMAN BRONSON: I want to turn
24 now to the crisis that we're seeing in our

1 correctional facilities. And, you know, I
2 join the Senator in his comments.

3 This is about safety for everyone.
4 It's about safety for the correctional
5 officers. It's about safety for our brothers
6 and sisters and siblings in PEF who are
7 there, and all of the correctional employees.
8 It's about safety for people who are residing
9 in the facilities.

10 But it's not just the correctional
11 facilities. We have this problem throughout
12 the system with short-staffing and our
13 workers being under threat of assaults. And
14 I'm very disappointed the Governor vetoed our
15 bill that would have included bullying and
16 abusive behavior in a law that was passed by
17 my predecessor and I worked on in 2006 that
18 required public employers to develop a system
19 to prevent violence in the workplace.

20 They needed to do -- and you should be
21 doing -- a risk evaluation and determination.
22 You need a written workplace violence
23 prevention program. You need to have
24 training when people are onboarded into the

1 worksite, and then every year.

2 So my question is for you,
3 Director Volforte. What steps have been
4 taken in connection with staff safety and
5 security for folks in all of our
6 facilities -- our DOCCS facilities, our OCFS
7 facilities, our OPWDD facilities, our OMH
8 facilities. Because this violence is
9 happening in all of those facilities.

10 What have we done to follow the
11 current law that was adopted in 2006?

12 GOER DIRECTOR VOLFORTE: So I can
13 speak to my experience with it in terms of
14 I'm confident that each of those entities has
15 policies like they're supposed to, has
16 engaged their employee organizations like
17 they're supposed to, done their risk
18 assessments, has initial policies in place,
19 updates it, meets with them on a yearly
20 basis.

21 I don't know what the experience is
22 like if there are claims of violations of
23 that. I believe DOL has oversight over
24 things that don't get addressed at the agency

1 level.

2 So the agencies have that in place
3 with respect to violence. And again,
4 violence in one agency is not the same as
5 others, and that's why it's an individualized
6 determination and goes agency by agency.

7 ASSEMBLYMAN BRONSON: Thank you.

8 CHAIRWOMAN KRUEGER: Thank you.

9 I believe we have now completed the
10 questioning of you. I want to thank you all
11 for your participation. I want to thank you
12 for your work every day for the people of
13 New York. Go and be effective. Thank you.

14 And people who want to still grab the
15 commissioners, you only get to do that in the
16 hallways, not in this room. We now want them
17 to be removed as quickly as possible from the
18 room so we can continue the hearing with the
19 next panel, which I will call up.

20 Retired Public Employees Association;
21 the Organization of New York State
22 Management/Confidential Employees; CSEA Local
23 1000 -- this isn't time for everybody to
24 talk -- and the New York State Public

1 Employees Federation.

2 If they would please come down as the
3 first panel leaves the room.

4 (Pause off the record.)

5 CHAIRWOMAN KRUEGER: Okay, before we
6 start, now we're at the part of the hearing
7 where everybody gets three minutes. You get
8 three minutes to testify; we only get
9 three minutes to ask and answer questions.

10 We will ask you first to introduce
11 yourselves, starting from the right, so the
12 people in the booth know what name to put on
13 what picture when you are testifying.
14 Please.

15 MR. TERRY: Joshua Terry, CSEA.

16 MS. DiANTONIO: Randi DiAntonio,
17 Public Employees Federation.

18 MS. ZARON: How do I get this on?

19 I'm Barbara Zaron, president of the
20 Organization of Management/Confidential
21 Employees.

22 MS. HINCHCLIFF: I'm Diana Hinchcliff,
23 president of the Retired Public Employees
24 Association.

1 CHAIRWOMAN KRUEGER: Great, thank you.

2 And now we'll start from the right.

3 Each person gets three minutes.

4 MR. TERRY: Great. Thank you,

5 Senator.

6 My name's Josh Terry from the Civil
7 Service Employees Association, and I'm going
8 to talk about a lot of what I've talked about
9 last year and the year before, which is
10 recruitment and retention of the
11 public-sector workforce.

12 There are a lot of things in this
13 budget that we're happy to see. The Governor
14 proposes an extension of waiving civil
15 service exam fees. We're supportive of the
16 idea. Her proposal is only for six months.
17 We don't have a six-month problem, we have a
18 much-longer-term problem, so we think a
19 longer-term renewal is warranted.

20 We do support extending NY HELPS.

21 This is a Band-Aid, I've said this before.

22 This is not a long-term solution to our
23 staffing problems. But since we are still in
24 crisis within the state and local government

1 workforce, we are supportive of this.

2 I want to thank Assemblyman
3 Santabarbara for bringing up our firefighters
4 at the Division of Military and Naval
5 Affairs. These are firefighters that provide
6 fire protection services at Air National
7 Guard bases in Scotia, Newburgh and
8 Westhampton.

9 They are trained professional
10 firefighters, but they are not treated as
11 such by the state. They cannot retire under
12 Tier 6 until they're 63 years of age, which
13 is shocking when you compare them to a
14 municipal firefighter, who retires after
15 20 years -- rightfully so.

16 So we're asking in the budget to
17 include legislation from Senator Skoufis and
18 Assemblywoman Pheffer Amato to give them a
19 more equitable pension.

20 We recruit employees into the public
21 sector and we have an obligation to protect
22 them and give them safe worksites. Stephen
23 Ebling was a CSEA member at the Thruway
24 Authority who was struck and killed while

1 working out in Silver Creek in November of
2 2024.

3 Not long after, we had a very
4 disturbing incident with a member of our
5 DOT unit in the Southern Tier who was nearly
6 killed when a box truck failed to move over.
7 If you scan the QR code in our testimony, you
8 will see a dash cam video of that incident.

9 Because of this, we support increasing
10 the number of work-zone cameras in the
11 budget, increasing penalties for speeding and
12 failing to move over, and then increasing
13 penalties on habitual speeders in work zones.

14 We also support protecting our workers
15 at DMV. I don't know if you remember when
16 you got your driver's license -- I got 100 on
17 mine. But we represent the license examiners
18 who are usually by themselves in areas that
19 are a little bit desolate. They are
20 consistently assaulted and attacked when
21 somebody fails an exam.

22 Fifty percent of our members, when
23 surveyed between us and DMV, have experienced
24 workplace violence in that role. They have

1 been kidnapped, they have guns pulled on
2 them. This is an ongoing issue. And the
3 Governor has a proposal in her budget that
4 would increase the penalty for assaulting
5 them, and we would ask that everybody support
6 it.

7 So thank you so much.

8 MS. DiANTONIO: Good afternoon,
9 chairpersons, distinguished members of the
10 Legislature. I'm Randi DiAntonio, vice
11 president and political action chair for PEF.
12 We represent 54,000 public employees in
13 professional, scientific and technical
14 titles.

15 Like our brothers and sisters in CSEA,
16 recruitment and retention is a serious issue.
17 It's been an ongoing issue, but it's now a
18 complete crisis. We appreciate all the
19 efforts on Tier 6 reform, but with 8,000
20 vacancies, we need actions. Studies are
21 great, but they're taking way too long.

22 Just last year, the state spent
23 \$1.2 billion on overtime. And all of that
24 overtime has real people attached to it --

1 people with lives that they can't go home to.
2 The agencies that work the majority of it
3 will not come as a shock -- DOCCS, OCFS, OMH,
4 and OPWDD. Seventy percent of all overtime
5 work were out of those settings, and that
6 trend continues.

7 And chronic short-staffing is
8 unsustainable. Our members are at their
9 breaking point. They're overworked, the
10 morale is just overwhelming. Excessive
11 overtime mandates are commonplace because
12 they are doing the jobs of other people.

13 And frankly, what we're seeing in the
14 DOCCS facilities right now is indicative of a
15 broken system, not just one piece of
16 legislation. It is a system that has been
17 sort of hanging on by a thread.

18 You know, I've been here for many
19 years talking about some of the legislation
20 that we've discussed today -- HALT, Less is
21 More, Raise the Age. And we support criminal
22 justice reforms, but we support them coming
23 with resources and guardrails. The
24 implementation of some of these policies in

1 the facilities themselves came without input
2 from our staff, the members who do the work.
3 And it has led to situations in our
4 facilities that we really need to look at,
5 reevaluate, and work together to fix.

6 Our staff are facing dangerous
7 conditions. That includes assaults, rapes,
8 exposure to illegal drugs, bodily fluids.
9 And no one comes into the state system or
10 signs up for double and triple shifts,
11 missing their families. And just like COVID,
12 I give a shout-out to our members. They are
13 stepping up, they are showing up.

14 But we've got to do better. Civil
15 Service has promised us many changes, some
16 coming to fruition, but we still have
17 12 regional testing sites that are not open
18 yet. We still have a salary study that was
19 funded three years ago that's just started a
20 month ago.

21 We don't have promotional
22 opportunities. We have people waiting
23 20 years for tests. And our hiring practices
24 are undermining merit-based hiring.

1 And while we agreed that HELPS was a
2 good Band-Aid, as we're seeing in Washington,
3 just abandoning merit and fitness is not
4 going to be in the best interests of
5 New Yorkers on a long-term basis, or its
6 taxpayers. And we do want to see HELPS come
7 to an end with more sustainable approaches.

8 In this budget we would like to see --
9 I'm running out of time. Almost made it. I
10 thought I was talking fast.

11 (Laughter.)

12 MS. ZARON: Hi, I'm Barbara Zaron,
13 president of OMCE.

14 M/C employees are prohibited by law
15 from joining a union or engaging in
16 collective bargaining. So we're not
17 protected by a negotiated contract. Most M/C
18 employees are career civil servants: 7,000
19 of the 11,000 are in the competitive class.
20 So they've already proved their -- oh, I'm so
21 sorry. So they've proved themselves by
22 taking a competitive exam of some sort, maybe
23 not paper and pencil.

24 At any rate, whatever their status,

1 M/Cs frequently express their disappointment
2 and feeling of being disrespected and
3 undervalued because their compensation is not
4 comparable with union-negotiated salaries of
5 their subordinates or colleagues. In the
6 written testimony, you'll find some examples
7 of this.

8 We've worked for many years to obtain
9 comparable salary and benefits. Because we
10 don't collectively bargain, we're at the
11 mercy of the executive branch and OER to
12 determine M/C salary and benefits.
13 Frequently the salary increases are at the
14 same percentage as the union-represented
15 folks get, but that's not the whole story.

16 So we've tried for years. Now, I want
17 to quickly rush to the written -- our written
18 testimony that has our comments on some of
19 the Executive Budget proposals.

20 For example, a proposal to eliminate
21 the state subsidy for IRMAA. We say
22 unequivocally no, don't do that. And by the
23 way, PEF is on the same track and the AFL-CIO
24 is also on the same track.

1 The transformation of the merit
2 system, we think that's a good idea but we
3 are most concerned about what those specific
4 proposals are and how they would be
5 implemented. Because our folks are the ones,
6 the management people are the ones who have
7 to implement all of these things.

8 Optional payment for new hires? Sure.
9 Why shouldn't they get paid two weeks after
10 they come on-board? But we should be
11 redesigning the payment system to accomplish
12 that, not having to do a separate fix.

13 Continue the waiver of civil service
14 exam fees? Yeah.

15 Extend the HELPS program? That's
16 supposed to be temporary, and we find it
17 problematic to keep continuing it.

18 We have several bills that are
19 specific to our issues. I'll just thank the
20 Senate which passed just yesterday
21 Senate 1724, and it's Assembly 1979. And we
22 have a hearing officer decision bill that is
23 coming up for action as well.

24 Thank you.

1 CHAIRWOMAN KRUEGER: Thank you.

2 Next.

3 MS. HINCHCLIFF: Yes, good afternoon,
4 Senators and Assemblymembers.

5 I'm Diana Hinchcliff, president of the
6 board of directors of the Retired Public
7 Employees Association, which represents the
8 interests of the almost 500,000 New York
9 State and local government retirees. We
10 advocate to protect the benefits they
11 received from their years of public service.

12 Before I begin, I'm wearing this mask
13 because I have a compromised immune system,
14 so please let me know if you can't understand
15 me.

16 You have my full testimony; here is a
17 summary. We have three top legislative
18 priorities.

19 First -- Barbara mentioned this --
20 restore the Medicare Part B income-related
21 monthly adjustment amount reimbursement,
22 which the Executive Budget eliminates.
23 Retirees over a certain income level pay an
24 additional Medicare premium. The Civil

1 Service Law provides for an offset to this
2 premium so all retirees' health insurance
3 premiums remain level.

4 The Legislature has restored the IRMAA
5 reimbursement in the past. We urge you to
6 restore it this year.

7 Second, enact an increase in the
8 pension cost-of-living adjustment for state
9 and local government retirees. The average
10 pension for all New York State and local
11 retirees is \$28,000. Half of them receive a
12 pension under \$30,000, and 70 percent of all
13 retirees receive a pension under \$40,000.

14 The COLA was enacted in 2000 and has
15 not been increased since then, while the cost
16 of living has gone up every year. The COLA
17 is applied to only the first \$18,000 of the
18 pension, and it's calculated at only half the
19 annual rate of inflation, with a cap of
20 3 percent. The Consumer Price Index has
21 increased a cumulative 87 percent over the
22 past 24 years.

23 Even if retirees had received the
24 3 percent maximum each year -- which they

1 have not -- the increase would have been a
2 cumulative 50 percent, not 87 percent.

3 RPEA will be submitting a bill for
4 introduction and your consideration to
5 increase the COLA for retirees. We urge you
6 to support and enact it.

7 Third, require parity between
8 Medicare-primary Empire Plan retirees and
9 active employees for access to skilled
10 nursing facilities. Medicare-primary
11 enrollees in the Empire Plan do not receive
12 any coverage for skilled nursing facility
13 care, while non-Medicare enrollees are
14 covered.

15 We will be submitting for introduction
16 and your consideration two bills, one to
17 ensure equal coverage for all Empire Plan
18 enrollees, and another requiring a verified
19 estimate of the cost of providing this
20 coverage. We urge you to support and enact
21 them.

22 We appreciate the opportunity to
23 present this information, and I'll be happy
24 to answer any questions.

1 CHAIRWOMAN KRUEGER: Thank you.

2 Our first questioner will be Robert
3 Jackson.

4 SENATOR JACKSON: Well, thank you, and
5 good afternoon. Good to see all the unions
6 in the house communicating about what's
7 important.

8 I ask you, understanding you were
9 sitting and listening to the first panel of
10 representatives -- the chairs of Civil
11 Service and Labor, they were all there. But
12 why, in your opinion, has not the State of
13 New York hired more people instead of having
14 multi-billion-dollars in overtime? Why?

15 MS. DiANTONIO: Well, I mean, I think
16 to their credit they have brought in people
17 into state service. What we're seeing a lot
18 of is people not staying in state service.
19 So there is a lot of efforts to get them
20 on-boarded into the various agencies.

21 But I'll give you an example. We have
22 OCFS facilities where they bring people in
23 and their first week there, they're being
24 mandated to 25, 30, 40 hours straight. And

1 after being trained and all the resources
2 that go into it, they're like: See ya -- I
3 can't do this, I have a family.

4 So I think that's one piece of it.
5 The other things we're hearing is as much
6 effort that's going into trying to recruit
7 people, it's not hitting certain populations.
8 I heard someone say earlier summer youth
9 programs, camp counselors, student
10 internships. We have gotten away from a lot
11 of that, and we really need to look at that.

12 Because, you know, like some of us,
13 we're ready to retire, and the workforce
14 demographic has shifted. We're bringing
15 people in. Tier 6 is another reason. I
16 mean, pensions used to be what brought people
17 and kept people. Not quite the same.

18 And I do think we need to do more with
19 our presence online and social media, where
20 younger folks are going to actually engage.
21 It's just -- we're not there yet.

22 MR. TERRY: So in 2023, calendar year
23 2023, the state hired 17,000 new employees.
24 Which was up from the previous year. We had

1 attritions via retirements and separations of
2 15,500. So, right, our net gain is in the
3 couple of thousands.

4 And so I think the state is recruiting
5 people, I think at this point. I think
6 people are coming back. But it is -- I think
7 we need a strategy of how to retain them.
8 Which is what a lot of our testimony focused
9 on, which is we can bring people in as a
10 firefighter in DMNA, but when they see the
11 20-year pension hanging in the City of
12 Albany, they're going to try to go to that.

13 So I think it's the retention piece
14 that we need to focus on.

15 SENATOR JACKSON: Thank you.

16 MR. TERRY: Thank you.

17 CHAIRMAN PRETLOW: Assemblywoman
18 Stacey Pheffer Amato.

19 ASSEMBLYWOMAN PHEFFER AMATO: Thank
20 you for your testimony.

21 So to just finish up what you were
22 saying, Josh, the retention part -- Randi,
23 you said very quickly because you were trying
24 to get your three minutes in, but you said

1 the word "rape." So if an employee's getting
2 raped in a job while working for the state,
3 how do we think we retain people?

4 And I was surprised to find out,
5 working with Civil Service, that like the
6 average was 12 years. Right? They stay
7 12 years. So people leave before getting to
8 the end of their pension. Or starting later.

9 But can we talk about that, the part
10 of retention of the worker safety part of it?

11 MS. DiANTONIO: Yeah. I mean, look,
12 at least in PEF, in the settings we're
13 referring to, most of us are helpers, right?
14 We go in, we want to work with our patients,
15 our clients, and make sure that they come out
16 successful. But we know that there are some
17 risks to the jobs. But it has never been the
18 risks such as we're seeing today.

19 And we've had multiple sexual assaults
20 in our -- not only in DOCCS but in our other
21 OMH facilities and in other settings. I
22 mean, I think the reality is there were
23 shifts in how services were provided many
24 years ago where we closed a lot of inpatient

1 beds. Some of that has shifted; we are
2 reopening. But when we don't have proper
3 environmental structure to serve people, when
4 there aren't natural consequence, people end
5 up engaging in behaviors that are difficult
6 to manage.

7 And when you're severely
8 short-staffed, people can't respond to crises
9 as quickly.

10 So for example, in a sexual assault
11 situation, one that comes to mind is the
12 person was doing counseling with somebody,
13 pulled her personal alarm, we're in old
14 facilities. They couldn't find her. The
15 cellphones or the phones that they were tied
16 into were not the right ones. People were
17 running around looking for her. But there's
18 only like one security officer where there
19 might have been five a few years ago.

20 And so those are the kinds of
21 scenarios that lead to our members and
22 others, you know, getting assaulted, not
23 being -- intervention not happening timely.
24 And we really have to deal with some of the

1 we have to address that for your members and
2 future members and for the long state,
3 because that's part of the retention problem.
4 Because your intention to go in for the good
5 work is going to go right out the door.

6 MS. DiANTONIO: Yeah, nobody signs up.

7 ASSEMBLYWOMAN PHEFFER AMATO: So thank
8 you for just being open, and I'm looking
9 forward to working with you on this.

10 MS. DiANTONIO: Thank you.

11 CHAIRWOMAN KRUEGER: Thank you.

12 Senator Rhoads.

13 SENATOR RHOADS: Thank you. Thank
14 you, Madam Chairwoman.

15 Randi, you've done such a fantastic
16 job, speaking so eloquently about the issue
17 going on with DOCCS.

18 I just wanted to -- I mean, our prison
19 system is sort of a -- it's a powder keg. I
20 mean, you're locked into a facility, it's not
21 a normal work environment. You know, and
22 some of the legislation that we've passed,
23 while well-intentioned, seemed to hand the
24 inmates, you know, books of matches.

1 And keeping our employees safe is
2 incredibly difficult. You know, you were
3 here earlier for the testimony of
4 Commissioner Reardon. Has the Department of
5 Labor reached out to you at all to try and
6 address some of these significant issues of
7 workplace safety that you're articulating
8 today? We seemed to get a pass-off that this
9 is all a DOCCS problem, but I really think
10 that this is a Department of Labor problem
11 since they are the ones that are responsible
12 for enforcing workplace safety. And that
13 shouldn't stop just because they're state
14 employees.

15 MS. DiANTONIO: Yeah. So, I mean, we
16 have been working really hard -- I mean, this
17 week alone we're fielding hundreds of calls
18 from members around workplace safety. And we
19 are educating them on their rights under the
20 law to refuse hazardous work. That's, you
21 know, under certain standards.

22 We're also, where possible, putting in
23 PESH complaints, which would initiate the
24 Department of Labor coming in.

1 I don't know what DOCCS's position is
2 on letting people into the facility, but they
3 certainly would need to let them in to look
4 at records and ask questions and things like
5 that.

6 So those are things that are
7 happening. You know, I can't speak to each
8 situation, we have so many different
9 facilities. And frankly every facility is
10 different in terms of what's going on right
11 now. Some have been able to really maintain
12 better safety than others. You know, some of
13 our medium-security ones with dorms are much
14 more difficult.

15 But we do, where it's appropriate and
16 where the standard allows us, we are
17 reporting those things. So the Department of
18 Labor does have a role, and we would expect
19 them to fulfill that.

20 You know, our members are PESH
21 inspectors. We represent them. They're PEF
22 members. And we have had those
23 conversations. We have an incredible health
24 and safety team at PEF, and they have been

1 working very closely with their partners in
2 PESH to see where and if we can make a
3 difference. So that is something that we
4 will continue to do.

5 I mean, I think that, you know, we're
6 doing a lot of stuff outside of that in terms
7 of negotiating memorandums with DOCCS and
8 with OMH on safeguards, so our people aren't
9 going in unescorted. But again, those are
10 case by case, trying to figure out where
11 there's dangers and what we can do to
12 mitigate them.

13 SENATOR RHOADS: Do we feel as though
14 the position that DOCCS has taken with
15 respect to forcing employees back on the job
16 regardless of their status is legal?

17 MS. DiANTONIO: I mean, I'm not an
18 attorney, so I don't -- you know, in my
19 instance, the members I've spoken to -- does
20 that mean I stop?

21 CHAIRMAN PRETLOW: Assemblyman Harry
22 Bronson.

23 SENATOR RHOADS: That's it.

24 ASSEMBLYMAN BRONSON: Randi, you were

1 just saved by the bell. Otherwise you'd be
2 giving legal advice.

3 So let me -- to both you, Randi, and
4 Josh. You know, we've talked a lot about
5 workplace violence. You know, it's on
6 everybody's mind because of what's happening
7 in DOCCS. But, you know, I think we have to
8 step back. We have to deal with that crisis,
9 and again I -- we'll put on the record I
10 think we deal with it from making sure that
11 we have staff safety and make sure that we
12 have resident safety for those people in
13 those facilities.

14 But I think it's important for us to
15 remember it's not just DOCCS. This is OPWDD,
16 this is OMH, this is OCFS. And we visited
17 the industry facility recently, and at that
18 facility workers were being forced to do
19 double shifts. You know, the residents were
20 being forced to stay in their rooms, not
21 getting instructional education programs and
22 things of that nature because it wasn't safe.
23 They didn't have enough bodies to get people
24 out.

1 And I heard your point about we are
2 recruiting people, NY HELPS is helping,
3 waiving the civil service fee is helping,
4 there's additional testing centers. But, you
5 know, I just want you to -- both of you, Josh
6 and Randi, because you have members in the
7 DOCCS facilities, but you have members in
8 these other facilities. Just make the direct
9 connection between the problem we're having
10 with staffing, with attrition and keeping
11 staff people, and how that translates into
12 the day-to-day safety of your members.

13 Josh, you want to start?

14 MR. TERRY: Yeah. So we are in every
15 state agency and especially in direct care.
16 In OPWDD when we have members hired, their
17 first weekend -- and Randi brought this up --
18 they are mandated, right, to work a weekend,
19 they're mandated on that first week to work a
20 double shift.

21 And we have a chicken or the egg
22 scenario, which is we need more staff to come
23 in in order to alleviate this overtime crisis
24 that we continue to have, but once people

1 come in and are mandated, right, they leave
2 and then we are constantly trying to catch
3 up.

4 And it goes even deeper. We had a
5 member in a state psychiatric center in
6 New York City who was raped, sexually
7 assaulted and raped in the facility by a
8 patient. She was by herself. It was an
9 unsafe situation.

10 But at the end of the day, the members
11 want to do the work. They want to do this
12 stuff. And sometimes they'll -- rather than
13 waiting, right, they wait an hour for
14 somebody else to come in, they're going to go
15 just try to get the work done.

16 And so we need to figure out this --
17 to get an influx of staff in order to
18 alleviate all this from happening.

19 ASSEMBLYMAN BRONSON: Thank you.

20 CHAIRWOMAN KRUEGER: Thank you.

21 Senator Weik.

22 SENATOR WEIK: Good afternoon,
23 everyone. Thanks so much for being here.
24 Thanks for your testimony.

1 I know that we've heard in the past
2 Tier 6 sucks, but I have a different motto.
3 I'd like to say "Let's fix Tier 6." And with
4 that in mind, I heard you all had your
5 opinions and stuff on different aspects of
6 it. But if you could give me a real specific
7 answer, which parts of Tier 6 seem to be the
8 most unattractive?

9 MS. DiANTONIO: I'll start, because I
10 know our members hate this.

11 We really need to standardize the
12 contribution rates. We have members who are
13 newer to the workforce, every time they get a
14 raise or they are -- you know, they're paying
15 more than the person they're sitting next to,
16 who's often making more.

17 SENATOR WEIK: So I get that, that's
18 the answer I was looking for. I don't mean
19 to be rude, but thank you very much.

20 MS. DiANTONIO: That's okay.

21 SENATOR WEIK: Anyone else? Anyone
22 else have an answer for that?

23 MR. TERRY: I mean, I fully agree
24 about contribution rates. I think we also

1 have to look at the penalties of retiring
2 before age 63. These are draconian
3 penalties. And when you work on a job, maybe
4 you're a laborer, maybe you're working as a
5 direct care worker, and your body is just
6 done when you hit 55, 60 years old -- to
7 retire at that point, you're losing more than
8 50 percent of your pension in perpetuity.

9 SENATOR WEIK: I know, I'm 52, I
10 already feel like I'm at that.

11 (Laughter.)

12 SENATOR WEIK: I also want to -- I
13 have a bunch of questions, which is why I
14 want to go quickly.

15 How do we retain employees? What's
16 the best way to retain employees?

17 MR. TERRY: Increase wages and
18 benefits.

19 SENATOR WEIK: Anyone else?

20 MS. DiANTONIO: Treat them with
21 respect and listen to them.

22 SENATOR WEIK: That seems so simple.

23 MS. DiANTONIO: Yeah.

24 SENATOR WEIK: Okay. And then as far

1 as this budget goes, do you feel that it's
2 properly funded in order to try to correct
3 the things that are happening? And today
4 we're talking about the sexual harassment,
5 we're talking about abuse. Do you feel that
6 there's funding within this budget that's
7 allocated in order to correct these issues?

8 MR. TERRY: When you say issues, are
9 you talking about staffing issues or --

10 SENATOR WEIK: Staffing issues is
11 really the solution to fix, you know, the
12 shortage which is the terrible situations
13 we're listening to.

14 MR. TERRY: So, I mean, I will say to
15 the state's credit, to the Governor's credit,
16 if we could bring in tomorrow 5,000 new
17 people to work in OPWDD, they would hire all
18 of them. The FTEs are there, the funding's
19 there. It's getting the bodies in place.

20 And if we could somehow surpass their
21 top-line number, I think that they would be
22 willing to go even further. So I think it's
23 not a funding issue so much; I think it's
24 becoming a -- it's a bodies issue that we

1 need to figure out.

2 SENATOR WEIK: Okay. And then I
3 know -- Randi, I don't mean to put you on the
4 spot, but you were saying that you were
5 offering individuals legal advice on -- not
6 necessarily as a lawyer, but how they can
7 proceed legally and that kind of thing.

8 We're trying to find out --

9 MS. DiANTONIO: I was not offering
10 legal -- I was saying I won't offer legal
11 advice.

12 SENATOR WEIK: We're trying to figure
13 out who is it who can tell us whether or not
14 it's legal or illegal? Because everyone
15 seems to be dodging the bullet on that one,
16 whether or not DOCCS individuals can come
17 back -- or if they're being called back in
18 when they're out on workers' comp, if that's
19 legal.

20 (Time clock sounds.)

21 SENATOR WEIK: I still am not going to
22 get my answer, I guess.

23 CHAIRMAN PRETLOW: Assemblyman Durso.

24 ASSEMBLYMAN DURSO: Thank you,

1 Chairman Pretlow.

2 Thank you, everybody, for being here
3 today.

4 So Josh and Randi, I'm going to
5 continue with a couple of questions. I'll
6 try and get them as quick as I can.

7 As a former CSEA member and someone
8 that sat on the health and safety committee,
9 we're actually talking about workplace safety
10 here. So Josh, if you could quickly touch on
11 the speed-zone camera initiative for this
12 budget season. Could you just speak a little
13 bit more about that?

14 MR. TERRY: Absolutely.

15 Our members that are in work zones on
16 highways tell us people slow down for two
17 reasons: One, they see a police officer up
18 ahead, or two, there's a sign that says
19 there's a speed camera coming up. They slow
20 down. That gets them to drive safely through
21 a work zone and makes our members' lives
22 safer there.

23 So that's why we're pushing for an
24 expansion of this program. We don't need a

1 report to come out to tell us that it works.
2 We know they work.

3 ASSEMBLYMAN DURSO: Now, do you see
4 those numbers in -- you know, since
5 implementation of the speed-zone cameras,
6 have you seen the number of incidents go down
7 prior to that?

8 MR. TERRY: I mean in terms of --
9 yeah, I believe the number of people that are
10 speeding through these work zones has
11 decreased. And then I think there would be a
12 corresponding decrease of injuries to our
13 members as well as members from the building
14 trades who are working on these highways as
15 well, from injuries from that, yes.

16 ASSEMBLYMAN DURSO: Okay. And then a
17 question for both of you. And obviously
18 we've touched on Tier 6 a little bit.
19 Listen, as someone who worked sanitation for
20 15 years, you can't be 63 years old and work
21 on the back of a truck for 40 years. It's
22 not going to work, it's not going to happen.
23 They're not going to make it to that point.

24 So not only are you losing half your

1 pension, workmen comp's going to go up
2 because people are going to be making those
3 claims because they are getting injured. But
4 when we talk about safety in general, whether
5 we're talking about the PEF employees that
6 work in prisons or any of our CSEA members,
7 retention and recruitment is so important.

8 As we were just saying up here,
9 keeping them safe and making them feel safe
10 in their employment is what's going to keep
11 them there. Getting someone to be hired for
12 five, six, eight years is great, but if
13 they're not safe, they don't feel safe.

14 And in no other industry, right,
15 especially in New York State, are we going to
16 allow someone to be sexually assaulted,
17 right, and then put back in the same area
18 where that sexual assault took place, or the
19 person that assaulted them is working with
20 them. No other industry. But when it comes
21 especially to Department of Corrections or in
22 the prisons, they're allowing that.

23 So whether it's sexual assault,
24 physical assaults on the employees, do you

1 feel that the Governor's office is doing
2 enough to address these things? Because
3 again, these are employees that are being
4 physical assaulted, sexually and otherwise.
5 And then we're putting them right back to
6 work to have the same things happen and put
7 them in those same positions.

8 So are we as a Legislature and the
9 Governor's office doing enough to protect
10 these employees?

11 MS. DiANTONIO: Well, I mean, I think
12 a lot of this is at the agency level. We are
13 having conversations at OMH, OCFS. They have
14 the ability to not put employees back into
15 those same units. They have the ability to
16 move patients.

17 ASSEMBLYMAN DURSO: But they don't.

18 MS. DiANTONIO: Most often not.

19 ASSEMBLYMAN DURSO: Right. Thank you.

20 CHAIRWOMAN KRUEGER: Thank you.

21 Senator Mattera.

22 SENATOR MATTERA: Hello, everybody.

23 Thank you, Madam Chair, and thank you for
24 everybody's testimony here today.

1 And I just want to thank my brothers
2 and sisters in the union movement. I
3 appreciate you guys working hard for all the
4 hardworking men and women of labor to make
5 sure that we have a decent wage, decent
6 healthcare and a decent pension.

7 And first of all I really want to
8 thank, on Long Island, Sue Castle for doing a
9 great job, and Darlene Devlin, that goes to
10 all the -- she started with me with the job
11 fairs and the career fairs in the public
12 schools.

13 And, you know, one thing that's very,
14 very important to me, and I'm an alum with
15 the BOCES program, what have you -- looking
16 into these -- the new workforce that's coming
17 out of the BOCES program, are you guys
18 involved at all working with our school
19 districts for the BOCES when these talented
20 young men and women graduate and, guess what,
21 they want to go into the work field. So what
22 are we doing with that, with the BOCES
23 program?

24 MR. TERRY: So, I mean, we have been

1 involved in trying to work with BOCES and
2 community colleges to create technical
3 programs and job training programs, maybe to
4 fast-track them into a CNA certificate so
5 they could come into the state workforce and
6 then start building their credentials into an
7 LPN or an RN.

8 We've worked with them. We want to
9 continue to work with them because that's the
10 future of our workforce. And it's the
11 fastest way to get people into the workforce.

12 SENATOR MATTERA: All right, so you
13 are. Because us with the trades, we work
14 exactly with the BOCES program with the
15 plumbing, electrical and all that, and it's
16 been working out wonderful. We have a direct
17 connection with the coordinators and the
18 instructors. So it's been working out really
19 well.

20 MR. TERRY: Senator, can I just say,
21 you did pass, I think it was two years ago,
22 the Legislature and the Governor signed a
23 bill that requires Civil Service to reach out
24 to BOCES, high schools, college programs in a

1 frequent way in order to promote all these
2 opportunities.

3 SENATOR MATTERA: And how has that
4 been working? That's been working --

5 MR. TERRY: Well, I think it's only
6 been a year since it's actually in place, so
7 I don't think we have data. But I think
8 we're excited that they're actually having to
9 do it now.

10 SENATOR MATTERA: All right. Again,
11 it's a great, great avenue.

12 In 2021, safe staffing passed, am I
13 correct? What has been going on with that?
14 And tell me -- yeah, it passed, but what is
15 it doing? What is it doing to help?

16 MS. DiANTONIO: Do you want me to --

17 SENATOR MATTERA: That would be --
18 that would be you, Randi. That's good, thank
19 you.

20 MS. DiANTONIO: Oh, no, that's fine.

21 I mean, the hospitals that have safe
22 staffing committees have been meeting. You
23 know, I think our members have had a role on
24 them. You know, we're still struggling with

1 staffing and management has more cards on
2 those committees than we do.

3 But I think the process itself has
4 allowed people to come to the table to
5 discuss the issues, to look at mandatory
6 overtime issues. It's not the end-all,
7 be-all, but it is a start and we -- you know,
8 we appreciate having the forum to do those
9 things.

10 SENATOR MATTERA: Okay. Well, we're
11 all here to help, to make sure that that
12 works. Okay? Because now -- frankly, it did
13 get passed in 2021, so I just want to make
14 sure that we do have that in place.

15 But I just want to thank you guys
16 very, very much for doing your great work.

17 CHAIRMAN PRETLOW: Assemblymember
18 DeStefano.

19 ASSEMBLYMAN DeSTEFANO: I'm assuming
20 that's me, Mr. Pretlow? Okay, thank you.

21 As a proud union member myself, a
22 30-year member of the Suffolk County
23 Association of Municipal Employees, I am very
24 proud of that, and a 30-year retiree of that

1 organization.

2 My question is, to the previous panel
3 I asked what is being done to maintain the
4 people that were given the civil service
5 test, they're free. Are we doing any exit
6 interviews when any of the people who are
7 leaving and saying why? I know salary, I
8 know Tier 6, I get it all. What else is
9 there that we're missing that we're not being
10 able to assist with?

11 MR. TERRY: So, I mean, I don't
12 know -- and I think it is agency by agency
13 or, in local government, by each employer, of
14 whether they're doing an exit interview.

15 I think that data would be very
16 refreshing to see, in order to see what is
17 driving people to the doors. But at the end
18 of the day, I mean, I think we've kind of
19 said what drives people -- or what would keep
20 people in these jobs, and it's wages that are
21 competitive, it's benefits that are
22 competitive, but it is the -- it's the
23 respect and the thought that they're actually
24 doing work that's valuable and valued by

1 their bosses and their colleagues.

2 MS. DiANTONIO: And the only thing I
3 would add to that is we know they send out
4 exit interviews but often don't get them
5 back. But historically we used to have
6 affirmative action administrators in the
7 agencies that managed a lot of that process,
8 and they were moved under the Office of
9 Employee Relations many years ago.

10 And when we lost that kind of personal
11 touch to reach out to employees, I think we
12 lost a lot of the ability to really get those
13 back from people. That's just my observation
14 and what I'm hearing, for what it's worth.

15 ASSEMBLYMAN DeSTEFANO: I'm going to
16 move on to a different topic because it's
17 near and dear to me. I know I stood with the
18 nurses out on the patio, you know,
19 demonstrating for, you know, equal pay, equal
20 work, all that good stuff.

21 But my question is has anything
22 changed? We sit and we do this every single
23 year. This is my seventh year here.
24 Recruitment and retention, we're always

1 singing the same song. We're not doing
2 enough to recruit and keep these people. How
3 are the nurses doing? Because my daughter's
4 a nurse and I worry about her.

5 MS. DiANTONIO: So our nurses -- you
6 know, we were very thankful that we were able
7 to get increased salaries for our nurses,
8 geographic pay differentials. But at the end
9 of the day our nurses work really hard jobs
10 and oftentimes are not able to get home when
11 they need to get home.

12 You know, we appreciate that there
13 were some changes to the mandatory overtime
14 law, but enforcement is not where we would
15 like to see it. We know there's some
16 bad-actor managers who continue to mandate
17 our members.

18 We have a ways to go, but I think, you
19 know, we're moving in a good direction.
20 There are a number of things we're looking at
21 in terms of preceptor bills, tax credits,
22 loan forgiveness, things like that.

23 ASSEMBLYMAN DeSTEFANO: Thank you.

24 CHAIRWOMAN KRUEGER: Senator Rolison.

1 SENATOR ROLISON: Thank you,
2 Madam Chair.

3 I'd like to address my questions to
4 our union friends, and it has to do with
5 PESH. What is the current staffing in that
6 agency for PESH?

7 MR. TERRY: I don't know the exact
8 numbers, but I think that it -- based on
9 speaking to our health and safety teams, it
10 mirrors the problems we're having across
11 public employers in general, which is they
12 are not to the level that they should be at.

13 SENATOR ROLISON: And so when there is
14 an issue within a facility, whether it's a
15 problem with the building, whether it's
16 working conditions in other ways, I guess
17 it's safe to say that PESH isn't able to
18 respond in a way that we'd like them to, to
19 try to address and then help remediate these
20 challenges, which are statewide.

21 I had experience with PESH when I was
22 a police union president in early 2000, and
23 back then they responded pretty quick. And
24 that was an issue with the police building.

1 But, you know, when we're talking
2 about all these different challenges that we
3 have in the various state agencies that are
4 equipped -- or not equipped -- to address
5 these challenges, especially how acute they
6 are now, that's a challenge that needs to be
7 addressed, I would say, first. Because they
8 are the responders to these issues.

9 MS. DiANTONIO: I think the staffing
10 is certainly an issue everywhere. But I also
11 think some of the standards need to be looked
12 at again, because some of them have language
13 that are pretty big loopholes that, you know,
14 they can't cite on or that management doesn't
15 get held accountable on.

16 So I think there certainly needs to be
17 a look at that.

18 SENATOR ROLISON: When we're talking
19 about recruitment -- and I know recently
20 DOCCS actually put into place, which has been
21 successful, because I know the Green Haven
22 facility in my legislative district has been
23 the beneficiary of the classes that are the
24 recruitment classes they're giving, to work

1 where you -- somewhat near where you live.

2 Do you have any of those types of --
3 and I know there's, you know, location pay
4 and things. But what about like recruiting
5 to the areas and giving them preference to
6 the communities in which -- or the regions in
7 which they live?

8 MR. TERRY: In DOCCS specifically
9 or --

10 SENATOR ROLISON: No, just generally
11 within your organizations and who you
12 represent.

13 MR. TERRY: So, I mean, I think most
14 of our members, when they apply, they don't
15 go through an academy and then get deployed
16 out. Right? So they're applying to go work
17 at Buffalo Psych or -- they're making their
18 pick and they hopefully get a job there.

19 So that's not necessarily an issue
20 for -- at least on our side.

21 SENATOR ROLISON: Randi?

22 MS. DiANTONIO: I mean, I think that,
23 you know, we're hoping that with the regional
24 centers, where people could go in in their

1 home communities, that would improve some of
2 the local community coming into state
3 service. Which we think is great to get into
4 the middle -- a middle-class civil service
5 job.

6 As far as similar to what Josh is
7 saying, most of our people apply right
8 directly at the facility on the agency's
9 website, so they're not -- they don't go to a
10 centralized location.

11 SENATOR ROLISON: Thank you both.

12 MR. TERRY: Thank you.

13 CHAIRWOMAN KRUEGER: Thank you.

14 Assembly.

15 CHAIRMAN PRETLOW: Assemblymember

16 Bores.

17 ASSEMBLYMAN BORES: Thank you all for

18 being here.

19 I want to start with CSEA and the
20 firefighters. Because yeah, I'm 34, I
21 couldn't do that job. I can't imagine
22 waiting to 63.

23 Does DMNA support that proposal? Are
24 they on the record for shortening the pension

1 time?

2 MR. TERRY: So that's a great
3 question.

4 We have -- this bill has passed as a
5 standalone bill I think three or four times.
6 And every veto, it's been outside of budget.
7 Every veto has been: It should be in the
8 budget. It was never on the merits of the
9 bill.

10 There is a bill jacket that has a note
11 in it that says DMNA supported the position.
12 But we think it's time. And we think it's
13 time to do this now.

14 ASSEMBLYMAN BORES: Agreed.

15 I would love it even more if DMNA ever
16 came before us to testify so we could ask
17 them questions. But glad to see they at
18 least put in the jacket there.

19 I want to ask you and as well our
20 friends from PEF about the part of the
21 Governor's proposal for AI training from ITS.
22 I want to make sure that when we're
23 implementing AI that it's done in a way
24 that's supportive of our employees and using

1 DeStefano's question about exit interviews --
2 and that was really interesting context about
3 the follow-up and the individual feedback of
4 it -- anything you see that the Legislature
5 could do to help encourage that?

6 Is this just like a change in
7 practices that are needed in the
8 administrations? I'd love to be actually
9 capturing the data as to why people leave so
10 we could fix it and help with that retention.

11 MS. DiANTONIO: I mean, if there's a
12 way to make it easier for people to do it. A
13 lot of times they send them the form, they
14 have to bring the form to human resources.
15 We have a lot of places where they may work a
16 hundred miles from the main office. They're
17 not going to drive and drop it off, scan it
18 in.

19 If we make it easier and potentially
20 make it confidential, so that it's not going
21 back to their supervisor -- there are things
22 that I think can be done differently, whether
23 it's done legislatively or, you know, at the
24 agency --

1 ASSEMBLYMAN BORES: It's usually
2 better when it's not legislatively, but yeah.

3 MS. DiANTONIO: Usually that makes it
4 so the agency will do it.

5 ASSEMBLYMAN BORES: Okay. Perfect.
6 Thanks so much.

7 CHAIRWOMAN KRUEGER: I think we have
8 no more Senators.

9 Assembly?

10 CHAIRMAN PRETLOW: You've run out of
11 Senators?

12 Assemblyman Santabarbara.

13 ASSEMBLYMAN SANTABARBARA: Okay,
14 great, thank you. Thank you all for being
15 here.

16 Josh, just to circle back on the
17 firefighter issue for the Division of
18 Military and Naval Affairs, the
19 understaffing, if you could just talk about
20 the impact on the community and the work, the
21 specialized work that they do as well.

22 And also, you know, we're talking
23 about just the fire -- these individuals
24 serve on air bases, what that looks like in

1 terms of numbers.

2 MR. TERRY: Great, yeah. So across
3 these three bases in Scotia, Newburgh and
4 Westhampton, there's 60 to 70 of them.

5 So their main mission is to support
6 the military mission of these bases.
7 However, I think all of these Air National
8 Guard bases, there is a civilian side, so
9 there are civilian planes that fly in in
10 Schenectady, in Scotia. Obviously Newburgh
11 has a large civilian side, as does
12 Westhampton. So they provide fire protection
13 for them as well. But really importantly is
14 they provide municipal assistance, municipal
15 aid in the surrounding communities.

16 So if you take Scotia, for instance,
17 to the north of them is Glenville, which is
18 all volunteer departments. There are no paid
19 departments in Glenville. So when there is a
20 fire and they need more engines, they send
21 out the fire trucks from the base.

22 The City of Newburgh, which has a
23 professional department, paid firefighters,
24 they are understaffed. We've been told, on

1 nearly every bigger fire in the City of
2 Newburgh, "We will send a truck out to offer
3 support."

4 And the same goes in Suffolk County as
5 well. In Suffolk County I think that they
6 are the only paid department on that end of
7 the island.

8 So they provide a very important role
9 in terms of offering the assistance to these
10 municipalities that may not be able to fight
11 a bigger fire on their own only with a
12 volunteer force.

13 But the problem is we have -- it's
14 very difficult to recruit into these roles
15 when they see the pension and when they see
16 the salary, compared to what a municipality
17 is paying.

18 ASSEMBLYMAN SANTABARBARA: And could
19 you just make a comparison what that looks
20 like?

21 MR. TERRY: So I would have to get
22 back to you, because -- so they come in on
23 our contract starting in like around \$45,000
24 to \$50,000, moving up. They make a lot more

1 than that because they worked, across the
2 three bases, \$3 million in overtime last
3 year.

4 But in the municipalities you're
5 easily making probably into the sixties, the
6 seventies, just to start.

7 ASSEMBLYMAN SANTABARBARA: Okay, thank
8 you.

9 MR. TERRY: Thank you.

10 ASSEMBLYMAN SANTABARBARA: Thank you
11 for your answer.

12 CHAIRMAN PRETLOW: Assemblywoman
13 Griffin.

14 ASSEMBLYWOMAN GRIFFIN: Thank you,
15 Chair. And thank you to all of you for your
16 testimony.

17 First I just want to start with you,
18 Randi. I just think it's incredible that we
19 have workers at all of these state
20 facilities -- DOCCS, OMH, OPWDD -- and the
21 story you told before about a woman pressing
22 her like personal alarm thinking she was in a
23 place where she could get help and then found
24 out there was no help.

1 I just wonder, is there knowledge of
2 what facilities are so -- don't have the
3 technology, that there is no protection even
4 though they give people a personal alarm. Is
5 there knowledge of what facilities don't have
6 the technology? Is this tested, or do we
7 just find out on a case-by-case basis?

8 MS. DiANTONIO: So most of the time we
9 find out, unfortunately, after a problem
10 occurs.

11 We do know that there are places where
12 the systems are working properly. In the
13 case I was referring to, we actually had to
14 go to the vendor who runs the alarm system
15 and have them come in and analyze it for the
16 agency to know where the problems were, and
17 they were able to correct it.

18 But there are many facilities, because
19 of the age of the facilities, that the
20 technology just doesn't work. There's too
21 much, you know, concrete, buildings are so
22 large, you know, they're behind walls, things
23 like that. And for them to do it would cost
24 millions and millions of dollars because

1 they'd have to rewire everything.

2 I know that places like Collins is a
3 good example. They've been asking for
4 changes in their alarm systems for several
5 years, and they found -- they were doing it,
6 and they ran into complications because of
7 the actual structure.

8 So we know that there's a lot of
9 facilities primarily in our O agencies and
10 Corrections, where these need to be evaluated
11 regularly because something might work in one
12 location of the facility but not in another.
13 And unfortunately there's no way to know
14 unless there's a problem.

15 But it's definitely something that
16 really has to be looked at.

17 ASSEMBLYWOMAN GRIFFIN: And I agree
18 completely. It's paramount to keep workers,
19 residents, inmates, whoever is there, safe.

20 And I saw that there's body scanners.
21 Is there a need for body scanners at the
22 other facilities as well?

23 MS. DiANTONIO: Yeah. I mean, I'll
24 give you an example. Obviously we want to

1 see them used where they were put in at
2 DOCCS, so I'll start with that. Because
3 they're not being used consistently. They're
4 optional in many places.

5 But in OCFS, OMH, we had a stabbing at
6 the Buffalo Psychiatric Center and we believe
7 that some of that technology would have kept
8 that individual from being able to come in
9 with a knife.

10 And it's not to -- you know, we walk
11 through -- a lot of buildings you go through
12 a metal detector, you go through this --
13 libraries, whatever. It's not to try to take
14 away rights from people, it's to keep
15 everyone safe. And so we want to see that
16 technology utilized in a way that is
17 consistent for all.

18 ASSEMBLYWOMAN GRIFFIN: Right, agree
19 completely. Thank you.

20 CHAIRMAN PRETLOW: I believe that's
21 the end of the Assembly. No, no, I'm sorry.
22 Ms. Lucas? And Giglio, okay.

23 Assemblywoman Nikki Lucas.

24 ASSEMBLYWOMAN LUCAS: Good afternoon.

1 Ms. Hinchcliff, according to the
2 Office of the State Comptroller --

3 MS. HINCHCLIFF: We can't hear you,
4 I'm sorry.

5 ASSEMBLYWOMAN LUCAS: Oh, I'm sorry.
6 Can I start my time over, please? My time,
7 can you start my time over, please? Thank
8 you.

9 Ms. Hinchcliff, according to the
10 Office of the State Comptroller, the average
11 pension for all New York State and local
12 retirement systems' retirees and
13 beneficiaries is 28,000.

14 MS. HINCHCLIFF: Correct.

15 ASSEMBLYWOMAN LUCAS: New York is the
16 most expensive state in the union. According
17 to the finance company SmartAsset, the
18 average individual nationally has to make
19 96,000 or, for a family of four, 235,000 to
20 live comfortably.

21 How are you working to support
22 retirement funds through matched savings
23 programs that more aggressively assist
24 retirees to actually retire?

1 MS. HINCHCLIFF: Thank you for that
2 question.

3 We are always -- one of the things
4 we're advocating for, which I said in my
5 testimony, is to increase the cost-of-living
6 adjustment. Because if a retiree only gets
7 \$40,000 in pension, they're not getting very
8 much in Social Security either. So you add
9 that up, and they don't even come near to the
10 amount you mentioned for a single person, let
11 alone for a family.

12 So it's really important that we raise
13 that COLA, that we give these folks an
14 increase so they can pay for their daily
15 living expenses. Every year healthcare goes
16 up, Medicare goes up, and yet the increases
17 that they're getting in their COLA, because
18 of the current formula, they eat that right
19 up. So basically they're not getting a COLA
20 at all because they have to pay for higher
21 health insurance and they have to pay for
22 higher Medicare.

23 So that's why we need to raise that
24 COLA to give them -- some seniors have gone

1 back to work so that they can just pay their
2 bills. And they shouldn't have to do that
3 after many years of dedicated public service.

4 ASSEMBLYWOMAN LUCAS: I'm seeing a lot
5 of that in my district.

6 Mr. Terry, just want to quickly ask
7 you three questions. What measures are you
8 requesting to offset the loss of employees or
9 retainment of employees? What measures have
10 you personally, internally, enacted for that?

11 The second question is: What are you
12 doing to address the illegal DOCCS strike,
13 and how have different state agencies reached
14 out?

15 And the third, you mentioned an
16 incident of sexual assault within your
17 facility, which is very -- it's extremely
18 disturbing and sad to hear. In general
19 regarding incidents of workplace violence,
20 what measures are you currently asking for to
21 kind of put in place?

22 MR. TERRY: Okay, I'll go as fast as I
23 can.

24 So measures to retain -- what are we

1 doing to retain employees? I think it goes
2 back to what we've been saying: Tier 6
3 reform, increasing wages at the bargaining
4 table, and benefits.

5 For an illegal DOCCS strike, our
6 members are still going to work inside the
7 DOCCS facilities --

8 CHAIRMAN PRETLOW: Thank you, Josh.
9 That wasn't fast enough.

10 (Laughter.)

11 CHAIRMAN PRETLOW: Assemblywoman
12 Giglio.

13 ASSEMBLYWOMAN GIGLIO: Yes, thank you.

14 So Randi, my question's for you, and
15 it has to do with nurse educators. So nurse
16 educators are required to have a master's
17 degree in order to teach and I'm told that
18 they're getting a little frustrated because
19 they're making less than what actual nurses
20 are when they're going into the hospitals and
21 into the nursing field.

22 So my question for you is, Do you
23 think that it is necessary for nurse
24 educators, who may be making \$85,000 a year,

1 to have a master's degree in order to teach
2 certain segments of the clinical program and
3 the other programs?

4 MS. DiANTONIO: So I'm not familiar
5 with -- I know that when the nurses'
6 reallocation went forward, some titles within
7 the nursing structure did not get raised. I
8 don't -- I believe nurse educators may have
9 been in that category.

10 You know, I would have to look a
11 little bit more deeply into that issue as far
12 as the roles, the duties, the qualifications.

13 But here's what I'll say, is we
14 believe all of our nurses and most of our
15 professionals should make more money. We
16 believe that in many instances they can make
17 more in the private sector and that they have
18 benefits that are commensurate at this point
19 with state service, and typically their jobs
20 are harder. Not that the folks in the
21 private sector don't work hard, but we tend
22 to work with the most challenging and
23 difficult patients.

24 So I can look into that title series

1 and see. I don't have it off the top of my
2 head. Unfortunately, we only control certain
3 aspects of the advocacy. What Civil Service,
4 the Department of Budget, and the agencies
5 ask for is not something we get to control,
6 although we wish we did.

7 ASSEMBLYWOMAN GIGLIO: Okay. And do
8 you also -- I mean, my two nieces were pinned
9 a couple of years ago, but it took several
10 months to get their license after they had
11 passed all of the tests and the clinicals and
12 everything that was necessary in order for
13 them to become nurses. And it took like six
14 months for them to be able to get a job as a
15 nurse.

16 Do you think that the Department of
17 State needs help in issuing these licenses?

18 MS. DiANTONIO: I mean, I think all of
19 our agencies are short-staffed, so I
20 certainly would imagine that the State
21 Education Department Office of the
22 Professions are probably in the same boat as
23 most other agencies.

24 We hate it when it takes that long,

1 because we want them on the job and working.
2 But I do know that, just like everywhere
3 else, they are struggling with recruitment
4 and retention issues as well as retirements.

5 ASSEMBLYWOMAN GIGLIO: Right. And one
6 more question for you.

7 When it comes to the clinicals, do you
8 think that nurses that are where they're
9 performing their clinicals, that that should
10 be an on-boarding, they should be on-boarded
11 into that hospital? Because I know that
12 on-boarding takes a long time and sometimes
13 restricts nurses from actually getting jobs,
14 so ...

15 MS. DiANTONIO: I mean, right now
16 we're looking at making it as easy as
17 possible to get nurses on-board and to get
18 them trained. I think we have language in
19 the budget asking around preceptor programs,
20 things like that, to make that transition as
21 quick and as seamless as possible.

22 ASSEMBLYWOMAN GIGLIO: Thank you.

23 CHAIRWOMAN KRUEGER: Okay, I'm going
24 to end this panel. Thank you very much for

1 your time here with us answering questions.
2 Thank you for your work on behalf of state
3 employees and state retirees.

4 And we're going to excuse you and call
5 up the next panel: Popular Democracy in
6 Action, a replacement person, Jaron Benjamin;
7 National Employment Lawyers Association
8 New York, Hugh Baran; and the Manufacturers
9 Association of New York, Michael Frame.

10 And legislators, take your
11 conversations outside so we can continue.

12 (Pause off the record.)

13 CHAIRWOMAN KRUEGER: Good afternoon,
14 everyone. I think the Assembly just called a
15 committee meeting; I know the Senate I think
16 is in chambers. So please don't take the
17 shortage of legislators in front of you as
18 any kind of diss.

19 I'm going to ask you each to first
20 introduce yourselves so the people in the
21 booth know who's who when they're putting
22 your name and picture up. Please.

23 Press until it turns green. There's a
24 sweet spot, yes.

1 MR. BENJAMIN: All right. Jaron
2 Benjamin, Popular Democracy in Action.

3 MR. FRAME: Mike Frame from MACNY, the
4 Manufacturers Association.

5 MR. BARAN: Hugh Baran, from the
6 National Employment Lawyers Association of
7 New York.

8 CHAIRWOMAN KRUEGER: Thank you.

9 Jaron, why don't we start with you.

10 MR. BENJAMIN: All right. Thank you,
11 Senator Krueger and Assemblymember Pretlow.
12 Jaron Benjamin, deputy chief of campaigns at
13 popular democracy in action.

14 And I'm testifying because the
15 EmPIRE Worker Protection Act must be included
16 in the budget as a revenue raiser, to
17 contribute \$103 million annually to the DOL's
18 budget. It can improve retention by
19 increasing wages and benefits for staff and
20 pay for new hires.

21 New York has taken the lead on worker
22 protections by increasing and indexing the
23 minimum wage, improving standards on health
24 and safety, and addressing paid leave.

1 However, constraints on enforcement and
2 underresourcing the DOL has blocked many
3 workers from experiencing the real benefits
4 of these policies.

5 Following Governor Hochul's major
6 crackdown on wage theft, the DOL investigated
7 and recovered more than \$63 million in stolen
8 wages for nearly 65,000 workers across the
9 state over a two-year period. But that
10 represents just a drop in the bucket for the
11 billions in New Yorkers' wages stolen
12 annually. We deserve better.

13 The EmPIRE Act would extend the reach
14 of the Department of Labor and the
15 Attorney General by allowing affected workers
16 and labor unions to file public enforcement
17 actions for violations of the Labor Law.
18 After providing notice to the state, these
19 plaintiffs will be able to bring the case
20 directly to court.

21 If EmPIRE Act litigation results in a
22 victory against law-breaking employers, the
23 majority of the penalties will go to the
24 state to fund further labor enforcement,

1 while the remaining portion is divided
2 equitably among impacted workers.

3 New York's underresourcing of the DOL
4 has worsened while investigator caseloads
5 have risen. In 1966, the DOL had over 300
6 labor inspectors. By 2017, 50 years later,
7 it had only 115.

8 Meanwhile, worker fear of retaliation
9 and forced arbitration create barriers to
10 enforcement. And Trump's return to the
11 White House has resulted in unprecedented
12 assaults on workers' rights, firing USDOL
13 staff, gutting the NLRB, and rolling back
14 workplace protections.

15 We must ensure the enforcement of
16 basic protections in New York and defend
17 workers and unions against these attacks by
18 the lawbreakers that they embolden, and we
19 must do it now.

20 The EmPIRE Act was inspired by a
21 California law that's generated an average of
22 \$98 million every year from 2016 to 2022 --
23 \$209 million in 2022 alone. These revenues
24 have contributed substantially to

1 California's best ratio of labor enforcement
2 staff to workforce size in the county:
3 Nearly 32,000 workers per staff investigator,
4 compared to New York's nearly 73,000 per
5 staff investigator.

6 And finally, we strongly oppose ELFA
7 Article VII Part U, which would deprive
8 manual workers of liquidated damages when
9 employers violate the weekly pay requirement.
10 The Legislature must pass a budget including
11 the EmPIRE Worker Protection Act strengthen
12 workers' existing rights, expand public
13 enforcement and staffing, and create a
14 dedicated revenue stream that funds labor
15 protections for years to come.

16 Thank you.

17 CHAIRWOMAN KRUEGER: Thank you.

18 Next?

19 MR. FRAME: Thank you for the
20 opportunity to speak with you today. On
21 behalf of MACNY, the Manufacturers
22 Association, and our eight partners in the
23 Manufacturers Alliance of New York, we
24 appreciate the continued support of the

1 New York State Legislature for workforce
2 strategies in manufacturing in both
3 registered apprenticeship and
4 pre-apprenticeship programs.

5 Since 2016, the Manufacturers
6 Intermediary Apprenticeship Program, MIAP,
7 supports the recruitment, upskilling and
8 retention of workers through group
9 sponsorship of New York State registered
10 apprenticeships. This earn-and-learn model
11 provides equitable upward mobility for
12 employees through career-related education
13 with on-the-job training.

14 Thanks to the Legislature's
15 leadership, the FY25 State Budget recognized
16 the value of registered apprenticeships by
17 providing 1.75 million to fund MIAP. With
18 this funding we are able to grow
19 apprenticeships in high-demand fields by
20 adding new trades and expanding into new
21 populations and regions. Of the nearly 200
22 apprentices served last year, 60 percent were
23 from underrepresented populations.

24 In addition to MIAP funding, many of

1 our participating companies utilized the
2 Empire State Apprenticeship Tax Credit. This
3 tax credit is a valuable tool for
4 manufacturers, and we are thankful for its
5 extension to 2026.

6 As Micron, Global Foundries and other
7 semiconductor companies build and expand in
8 New York, MIAP will continue to connect
9 individuals looking for employment with the
10 high-paying jobs in emerging industries of
11 the future.

12 With the support of ESD's Office of
13 Strategic Workforce Development, MACNY
14 launched Real Life Rosies, a
15 pre-apprenticeship program focused on women
16 in advanced manufacturing, in partnership
17 with Mohawk Valley Community College and
18 Working Solutions, the Workforce Investment
19 Board.

20 This program provides women with three
21 months of free training in advanced
22 manufacturing, work readiness skills, and
23 wraparound supports, including transportation
24 and childcare, to ensure success. Successful

1 participants receive up to six job interviews
2 with companies that offer registered
3 apprenticeships.

4 To date, 40 percent of program
5 participants are new Americans, speaking
6 English as a second language. The program
7 has enrolled over 150 participants, with an
8 80 percent completion rate and, in 2024, an
9 overall employment rate of 79 percent.

10 MIAP and Real Life Rosies bolster
11 New York's ability to meet the growing
12 workforce needs of not only new companies
13 investing in our state, but our legacy
14 manufacturers as well.

15 Conservative estimates by the New York
16 State Department of Labor forecast over
17 71,000 new manufacturing jobs by 2030. When
18 combined with retirements and career shifts,
19 it is possible New York could see well over
20 100,000 unfilled positions due to the skills
21 gap. The solution to this challenge is
22 programs like MIAP and Real Life Rosies to
23 train and upskill workers, providing a solid
24 solution to the challenge of a growing

1 skilled-worker shortage, while creating good
2 jobs for New Yorkers.

3 Therefore, it is MACNY's request to
4 level-fund MIAP, and \$1 million to expand the
5 Real Life Rosies program.

6 Thank you for your consideration.

7 MR. BARAN: Thank you for the
8 opportunity to testify today. My name is
9 Hugh Baran, and I am a board member of the
10 National Employment Lawyers Association of
11 New York, and a partner at workers' rights
12 law firm Katz Banks Kumin.

13 New York workers are facing a triple
14 threat to their workplace rights. First, our
15 federal labor enforcement agencies are being
16 stripped for parts. Elon Musk and
17 Donald Trump are slashing enforcement staff
18 at the U.S. Department of Labor and imposing
19 new limits on the ability of USDOL, the
20 National Labor Relations Board, and the
21 Equal Employment Opportunity Commission to
22 efficient worker protections.

23 Second, the current anti-immigrant
24 climate being stoked by Trump and Musk is

1 driving immigrant workers back into the
2 shadows, deterring these workers from
3 asserting their rights at work.

4 Finally, a practice that is a favorite
5 of Elon Musk's corporations has exploded over
6 the past decade and is privatizing our
7 justice system: Forced arbitration
8 provisions with class-action waivers, which
9 require workers to bring any claims
10 individually in secret, private arbitrations.

11 Because of corporations' adoption of
12 forced arbitration, more than 80 percent of
13 private-sector non-union workers are now
14 denied their right to collectively enforce
15 their rights before judges and juries.

16 The New York State DOL lacks the
17 resources to meet this triple threat. The
18 agency has historically high caseloads and
19 low staffing levels, which leave workers
20 waiting years for even the most basic wage
21 theft cases to be adjudicated. What
22 Commissioner Reardon didn't tell you earlier
23 is that as of 2023, New York DOL has only
24 129 labor standards investigators. That's

1 fewer than half the investigators DOL had in
2 the 1960s.

3 A temporary increase in DOL's budget
4 would not change this. As Commissioner
5 Reardon acknowledged at last year's budget
6 hearing, the agency will simply never have
7 the resources to address the wage theft that
8 is facing New Yorkers, to the tune of
9 \$3 billion a year.

10 But the Legislature has a solution,
11 one that 61 Assemblymembers and 29 Senators
12 support: The EmPIRE Worker Protection Act,
13 cosponsored by Assemblymember Simon and
14 Senator Hoylman-Sigal.

15 It is high time that EmPIRE be
16 included in the state budget. It addresses
17 the state's lack of public enforcement
18 capacity by allowing workers, whistleblowers
19 and labor organizations to stand in the shoes
20 of the state and bring public enforcement
21 actions to enforce the Labor Law.

22 EmPIRE does not create any new
23 requirements for employers, it simply expands
24 public enforcement of laws that are already

1 on the books. EmPIRE actions would also not
2 be subject to forced arbitration or
3 class-action waivers. And EmPIRE would
4 generate over \$100 million per year for
5 New York DOL, a permanent revenue stream for
6 DOL enforcement efforts and expanded staffing
7 levels. That's a win/win/win for workers,
8 law-abiding employers and New York DOL and
9 its employees.

10 Finally, I want to say a word about
11 two items in the Executive Budget. We
12 strongly urge the Legislature to reject the
13 Governor's proposal to gut manual laborers'
14 weekly pay protections in Labor Law 191. We
15 on the flip side applaud the Governor's
16 historic proposed increase of \$11 million for
17 the State Division of Human Rights. Because
18 of the EEOC's sudden reversal of enforcing
19 anti-discrimination laws for LGBTQ people, we
20 urge the Legislature to actually double this
21 proposed increase.

22 Thank you.

23 CHAIRWOMAN KRUEGER: (Mic off;
24 inaudible.)

1 ASSEMBLYMAN BRONSON: Look at you
2 promoting me, Liz. If becoming a Senator is
3 a promotion, which is an open-ended question.

4 All right. So I'm going to leave the
5 wage theft and the enforcement stuff to my
6 skilled colleague Jo Anne Simon, since she's
7 the lead on that issue.

8 But I wanted to talk to MACNY a little
9 bit about your programs. First of all, you
10 know I love your programs, I love what you
11 do. And the MIAP approach is really
12 beneficial for lots of employers. But I want
13 to talk from what you've heard me talk about
14 a lot. And, you know, we're in a moment of
15 opportunity right now with Micron happening,
16 our area being designated as one of the tech
17 hubs in the area, with us making the
18 transition to the green economy and the new
19 industries and manufacturing that will be
20 involved in that.

21 But I want you to talk a little bit
22 about -- and you've mentioned a little with
23 the new program, the Real Life Rosies. But
24 what's your strategies to make sure that we

1 are recruiting folks from underrepresented
2 populations? Because this is our
3 opportunity, as these economies are growing,
4 to bring people into the economy, into the
5 workforce who have been on the sidelines for
6 decades. So that's number one.

7 And then the second is, you know, how
8 do you see the necessity and the advantages
9 of wraparound services to remove barriers to
10 success in the apprenticeship program, as
11 well as ongoing success once people graduate
12 out of the apprenticeship program?

13 MR. FRAME: So, Assemblyman, if I
14 could answer maybe the second question first.
15 So one of the things we've seen, and because
16 the pre-apprenticeship program allows the
17 opportunity to be able to provide the
18 wraparound services, the population -- as the
19 pilot program was run in the Mohawk Valley,
20 we saw that actually transportation by far
21 was the largest barrier to participation.

22 And so being able to fund the ability
23 for the individuals to attend the courses at
24 Mohawk Valley Community College, that was a

1 big -- that was a big difference for us.

2 So I do think it's absolutely
3 important to be able to bring people in, for
4 example, that are not served by -- either
5 they don't have access to a vehicle or
6 they're not being served by public
7 transportation to be able to do that, that's
8 been already -- we've seen that, and we're
9 going to need to be able to continue that.
10 And we had one individual in the Real Life
11 Rosies program who was coming from a very
12 rural county. She needed additional
13 transportation support in order to be able to
14 actually move into that registered
15 apprenticeship.

16 Back to the necessity for recruiting
17 these populations. That's the reason why we
18 created Real Life Rosies to begin with. We
19 saw that while our numbers are good for
20 overall participation in the Manufacturers
21 Intermediary Apprenticeship Program, we have
22 a lot more to do, specifically with women.
23 Women make up only 20 percent at max of the
24 production labor force, and yet they're over

1 50 percent of the population.

2 And so we had to do something, but
3 we're doing that now and trying to create
4 programs in other areas as well.

5 ASSEMBLYMAN BRONSON: Thank you.

6 MR. FRAME: Thank you.

7 CHAIRWOMAN KRUEGER: Assemblywoman
8 Pheffer Amato.

9 ASSEMBLYWOMAN PHEFFER AMATO: Thank
10 you.

11 To Francisco {sic}, what specific
12 measures can be taken to address the
13 underutilization of anti-retaliation laws,
14 ensuring that workers feel safe and supported
15 while filing complaints about labor
16 violations without fear of retaliation?

17 MR. BENJAMIN: Yeah, I'm Jaron.
18 That's for me, right?

19 ASSEMBLYWOMAN PHEFFER AMATO: Yeah.

20 MR. BENJAMIN: Well, I think, number
21 one, we should include the EmPIRE Act in the
22 state budget. I'm just going to say that
23 that's first and foremost.

24 This would -- and I think Hugh, who

1 has helped craft some of the legislation, can
2 provide more information.

3 MR. BARAN: Yeah, and one of the great
4 things that EmPIRE does is it allows
5 whistleblowers and labor unions to bring
6 actions on behalf of affected workers and the
7 state.

8 And that's really important, because
9 oftentimes as attorneys one of the things we
10 see, especially for immigrant workers, is
11 that putting your name on the complaint,
12 putting your neck out there exposes workers
13 to really terrible retaliation -- especially
14 current employees, but also former employees
15 who get blacklisted and are in various ways
16 kind of punished for having brought labor
17 complaints.

18 Especially now, you can Google pretty
19 much any case that's filed; those things come
20 right up any time you look for future jobs.
21 So having a union or a whistleblower be able
22 to put their name on the EmPIRE action makes
23 a huge difference in protecting workers from
24 retaliation.

1 ASSEMBLYWOMAN PHEFFER AMATO: Thank
2 you.

3 CHAIRWOMAN KRUEGER: Thank you.
4 Assemblywoman Jo Anne Simon.

5 ASSEMBLYWOMAN SIMON: These are all
6 new. So thank you. Thank you for your
7 testimony here today, all of you.

8 One question, Hugh, I wanted to just
9 follow up with you on the notion of EmPIRE
10 Act and wage theft. And which industries are
11 most affected by that? Number one.

12 And number two, are public employees
13 having their wages stolen in any case?

14 MR. BARAN: So to answer your second
15 question first, this bill does not address
16 the public sector. It addresses
17 private-sector employees, and particularly in
18 non-union spaces, right, who don't have
19 really the protection of a union at work.

20 In terms of the industries that we see
21 this most in, obviously there's wage theft in
22 every sector, but we see a lot of it in
23 construction, we see a lot of it in
24 restaurants, food service, hospitality. We

1 see it really in industries that tend to
2 employ large numbers of immigrants and people
3 of color and women in particular. We see
4 more wage theft go hand in hand with that.

5 ASSEMBLYWOMAN SIMON: Home care, would
6 that be one of them as well?

7 MR. BARAN: Home care also, very
8 widespread, yes.

9 ASSEMBLYWOMAN SIMON: Okay.

10 And Jaron, you spoke about PAGA. And
11 I noticed that you talked about increasing
12 public labor law enforcement and increasing
13 the amount of money recovered and really
14 expanding the state's law enforcement bureau.

15 Who has been harmed at all by PAGA?

16 MR. BENJAMIN: Nobody that we're aware
17 of. And we, even when crafting this bill,
18 decided that we -- you know, after talking to
19 other stakeholders, that we would adjust and
20 make sure that the Department of Labor and
21 Attorney General have say-so in saying who
22 can bring forth claims.

23 But the people who might be harmed by
24 PAGA, for example, are wage thieves.

1 ASSEMBLYWOMAN SIMON: I'm sorry?

2 MR. BENJAMIN: The people who would be
3 harmed by PAGA are wage thieves.

4 ASSEMBLYWOMAN SIMON: The wage
5 thieves, okay.

6 MR. BENJAMIN: That's right. So we
7 anticipate that that would be the only people
8 harmed in New York State as well.

9 ASSEMBLYWOMAN SIMON: And how long has
10 PAGA been in existence?

11 MR. BENJAMIN: Since 2016?

12 MR. BARAN: Actually since 2004.

13 ASSEMBLYWOMAN SIMON: 2004, okay. So
14 it's not new. So you have a good track
15 record there.

16 MR. BENJAMIN: Yes, that's right.

17 ASSEMBLYWOMAN SIMON: Okay. Thank you
18 very much. I appreciate your testimony.

19 MR. BENJAMIN: Thanks for those
20 questions.

21 CHAIRWOMAN KRUEGER: Thank you, all
22 three of you, for testifying today.

23 Oh. Okay, one last Senator, Senator
24 Rhoads.

1 SENATOR RHOADS: Yeah, hi.

2 First off, thank you for your
3 testimony.

4 I know two of you gave your laundry
5 list of grievances against the current
6 federal administration. I don't know if you
7 were here earlier during some of the
8 testimony, particularly during the first
9 round, that we have an ongoing crisis with
10 respect to workers in our correctional
11 facilities.

12 You have corrections officers which
13 are being asked to work two or three shifts
14 involuntarily, remaining for up to 24 to 36
15 hours. You have safety concerns since the
16 enactment of the HALT Act. We have seen an
17 increase in inmate-on-worker violence of over
18 50 percent. We've seen an increase in inmate
19 versus inmate violence of over 80 percent.
20 The Department of Labor, the testimony of
21 Commissioner Reardon, essentially was that
22 the DOL has taken no action with respect to
23 that, despite the ongoing safety and security
24 concerns for those workers, not just

1 correction officers, but for therapists, for
2 other consulting staff, which was testified
3 to by PEF.

4 What actions have your organizations
5 taken or what steps have your organizations
6 taken to protect those workers? And will you
7 call on the Governor to stop some of what we
8 believe to be her illegal actions in docking
9 individuals who do not come back to work who
10 were out on FMLA, who were out on workers'
11 compensation where they're actually injured,
12 forcing them to come back into work even
13 though -- under threat of losing their health
14 insurance or being docked AWOL days, absent
15 without leave days.

16 What steps will your organizations
17 take, if any, to protect those workers?

18 MR. BARAN: So I would say in terms of
19 NELA New York, we're a bar association of
20 over 400 attorneys who represent individual
21 employees. And, you know, given the
22 conditions you're describing, I certainly
23 would encourage workers to contact our
24 members. And we have a referral service that

1 people can call into and then get some free
2 legal advice, and then also referrals to
3 private counsel who can take their cases.

4 With respect to the Department of
5 Labor, I would just add there's simply no way
6 right now, with the resources that the
7 Department of Labor has, that they can
8 address all of the crises that are facing
9 workers in every industry. That is why we're
10 so insistent that the Legislature include the
11 EmPIRE Worker Protection Act in the budget.

12 SENATOR RHOADS: Thank you. Since
13 we're running out of time, just anything?

14 MR. BENJAMIN: I'm going to ditto
15 Hugh. Thank you.

16 SENATOR RHOADS: Okay. Thank you.

17 CHAIRWOMAN KRUEGER: Thank you.

18 And Assemblywoman Judy Griffin.

19 ASSEMBLYWOMAN GRIFFIN: Thank you,
20 Chair.

21 This question's for Michael Frame. I
22 appreciate, you know, all of the interesting
23 programs that you have. And being that I
24 represent a district on Long Island, I was

1 wondering if you could elaborate on the
2 highlights of Ignite Long Island.

3 MR. FRAME: So the work that we're
4 doing with Ignite Long Island?

5 ASSEMBLYWOMAN GRIFFIN: Yes.

6 MR. FRAME: So we do have I believe
7 four signatories as a part of our registered
8 apprenticeship program on Long Island. And,
9 Assemblymember, I'd be happy to send those to
10 you afterwards so that you know who we're
11 working with in particular, which companies
12 that we're working with.

13 In addition, though, I just would add
14 that we are also looking -- Long Island has
15 an incredibly strong background in the
16 maritime industrial base, and so we're
17 working closely with that group as well to
18 try to grow opportunities in manufacturing
19 for the maritime industrial base and supply
20 chain.

21 ASSEMBLYWOMAN GRIFFIN: Okay,
22 terrific. And I like to see the
23 women-focused pre-apprenticeship program, and
24 I wondered if there's any plan to bring that

1 to different regions of New York State.

2 MR. FRAME: With the funding that
3 we're requesting, that would allow us the
4 ability to go to five additional regions,
5 with the hope of then continuing it on so
6 that the entire state would be able to
7 benefit from that program.

8 ASSEMBLYWOMAN GRIFFIN: Okay,
9 terrific. That's good, thank you.

10 And now I just want to move on to a
11 question about the -- it's about the manual
12 workers' pay. I do have a constituent that
13 has often written to me about that, and I
14 just wondered if you could add any more
15 information on that.

16 MR. BARAN: Sure. So the Labor Law --
17 Labor Law Section 191 has required manual
18 laborers to be paid weekly for almost a
19 century, I believe. And the reason is
20 because, in particular, manual laborers are
21 often faced with overtime work and issues of
22 time-tracking and timekeeping, and face a lot
23 of time-shaving violations on the job.

24 And so when you get your paycheck

1 every week you can actually look at and
2 compare the hours on that paycheck with what
3 your recollection is and audit it in
4 realtime. When there's a delay of two weeks,
5 you lose some of the ability to effectively
6 audit that pay.

7 And so it's been historically a really
8 important protection for manual laborers.
9 And in addition, it's a really easy law to
10 comply with. You just pay your workers every
11 week. It's just an instruction to your
12 payroll service.

13 And unfortunately the Governor's
14 proposal would gut these protections and
15 replace liquidated damages that are available
16 currently with lost interest, which would
17 amount to really minuscule amounts that don't
18 deter violations. And that's why we so
19 strongly oppose it.

20 It would also retroactively immunize
21 employers from violations of the law, which
22 we think is reprehensible.

23 ASSEMBLYWOMAN GRIFFIN: Okay, thank
24 you.

1 CHAIRWOMAN KRUEGER: Thank you.

2 So now we have completed our
3 questioning of you, and thank you very much
4 for testifying today and for your work every
5 day on behalf of New Yorkers. Take care.

6 I'm going to call up the last panel of
7 this hearing -- but no one panic, because
8 then we quickly move into another hearing.

9 The Association of Community
10 Employment Programs for the Homeless; CanCode
11 Communities; TEACHMEducation -- someone will
12 tell me if I've pronounced that badly. Oh,
13 "Teach Me Education." Okay, thank you.
14 They're missing an E -- and The New School
15 Center for New York City Affairs.

16 Okay, great. And we're going to start
17 with the right, and you're just going to
18 introduce yourselves so the people in the
19 tech booth know who you are when you are up
20 doing your presentation.

21 Please. You have to hit a sweet spot
22 to get the green.

23 MR. MARTIN: My name is Jim Martin.
24 I'm the executive director of ACE,

1 Association of Community Employment Programs
2 for the Homeless in New York City.

3 CHAIRWOMAN KRUEGER: Thank you.

4 MS. LANESY: Anmarie Lanesy, CanCode
5 Communities.

6 MS. FITZGERALD: Ellie Fitzgerald,
7 TEACHMEducation Services.

8 MR. PARROTT: James Parrott, the
9 Center for New York City affairs at
10 The New School.

11 CHAIRWOMAN KRUEGER: Thank you.
12 Welcome to you all. So let's go back and
13 start with Jim.

14 MR. MARTIN: Hi, good afternoon,
15 Chairs Krueger, Pretlow, Ramos and Bronson,
16 and members of the Legislature. Thank you
17 for the opportunity to testify on the fiscal
18 year '26 Executive Budget.

19 My name is Jim Martin. I'm the
20 executive director of ACE, ACE New York. ACE
21 serves New Yorkers with histories of
22 homelessness, addiction and incarceration who
23 are ready to reenter the workforce and
24 achieve long-term economic independence.

1 Each year we provide services to 200
2 new participants in Project Comeback, our
3 workforce development program; 600 program
4 graduates in Project Stay, our employment
5 retention program; and employ over 150
6 program graduates full-time in our supported
7 employment program.

8 Project Comeback provides adult
9 education, industry-specific certifications,
10 job placement assistance, individualized
11 counseling, and work experience
12 opportunities.

13 ACE is requesting the inclusion of
14 \$500,000 in the fiscal year '26 state budget
15 to support Project Comeback services:
16 \$400,000 will support paid work experience
17 initiatives, providing participants with
18 structured opportunities to gain hands-on
19 work experience while earning a paycheck, and
20 \$100,000 will fund legal services for
21 justice-involved individuals to overcome
22 systemic barriers to employment.

23 The New Yorkers that ACE serves have
24 fallen through the cracks, and this is an

1 opportunity to get them the help that they so
2 richly deserve. Of the Project Comeback 2024
3 cohort, 85 percent had a history of
4 addiction, 62 percent had co-occurring mental
5 health conditions, 58 percent were
6 chronically homeless, and 95 percent were
7 justice-involved. All were unemployed.

8 For individuals reentering the
9 workforce after incarceration, two aspects of
10 Project Comeback are particularly critical:
11 Work experience training and legal
12 assistance.

13 During work experience training,
14 participants learn the expectations of the
15 workplace while adding recent work experience
16 to their limited resumes. Work experience
17 opportunities consist of providing sanitation
18 and beautification services throughout
19 New York City. Participants receive an
20 hourly stipend for this training.

21 ACE legal services, led by an on-site
22 attorney, are a critical component in
23 removing institutional barriers to
24 employment. These services include "Know

1 Your Rights" workshops about the
2 participants' rights under New York's Fair
3 Chance Act, as well as one-on-one services
4 including rap sheet repair and review and
5 assistance with navigating legal proceedings.

6 The continued success of ACE's
7 programs relies on our ability to sustain and
8 expand services that empower individuals
9 facing significant barriers to employment.
10 Over the past five years, 72 percent of
11 participants have secured full-time
12 employment, and 66 percent were employed one
13 year after securing employment. However, our
14 waitlist for program entry is at an all-time
15 high, and support is needed to allow us to
16 serve more New Yorkers in 2025.

17 With \$500,000 in funding from New York
18 State, ACE will expand work experience
19 opportunities, provide essential legal
20 services that address systemic barriers to
21 employment, and sustain and enhance program
22 delivery.

23 I urge you to continue to fund all
24 workforce programs in New York State in 2026

1 and beyond. Our work is vital to the health
2 and well-being of millions of New Yorkers
3 across the state.

4 I thank you all very much for this
5 opportunity.

6 CHAIRWOMAN KRUEGER: Thank you.

7 Next?

8 MS. LANESY: Thank you. Good
9 afternoon, Chairperson Krueger and
10 Chairperson Pretlow, as well as the members
11 of your representative committees.

12 My name is Annmarie Lanesy. I'm the
13 founder and CEO of CanCode Communities.
14 CanCode's mission is to help individuals
15 bridge the digital divide, which can
16 significantly enhance economic mobility in
17 our communities. Our goal is to create a
18 vibrant, inclusive, talent-driven workforce
19 across New York State.

20 We work locally with talent, educators
21 and businesses to bridge the gap between
22 three key points: Employers who need skills,
23 non-traditional talent who can develop those
24 skills, and local educators who can teach

1 those skills. We focus on digital literacy
2 as a bridge into our workforce development
3 software and IT sector training programs and
4 help individuals gain the tech skills
5 necessary for a wide range of jobs.

6 I would like to make sure to address
7 the issue of digital equity in workforce
8 development, as it is often overlooked. In
9 today's digital economy, digital equity is
10 not a luxury, it's a necessity to be a
11 productive member of the workforce. A
12 national skills coalition study highlights
13 that 92 percent of all jobs require digital
14 skills.

15 Digital skills organizations cannot
16 wait for federal investments to address these
17 critical workforce challenges and provide
18 economic mobility for our neighbors across
19 the state.

20 Digital equity touches every area of
21 life in New York State, from healthcare and
22 civic engagement to education and beyond,
23 underscoring the urgency of closing the
24 digital divide. In order to create digital

1 equity in New York State, you need three key
2 things -- access to broadband, training for
3 skills, and access to devices.

4 New York State's Empire State
5 Development's ConnectAll office is expecting
6 to receive \$36 million from the National
7 Telecommunications and Information
8 Administration through the Department of
9 Commerce. It will not be sufficient to
10 achieve digital equity in our state.

11 We have two main concerns with this
12 funding. It will not be sufficient, and the
13 delays in funding distribution through ESD's
14 reimbursement-based structure will hinder the
15 ability to programs across the state to
16 execute this work.

17 We recommend the release of already
18 secured federal funds to provide digital
19 inclusion grants to local providers. The
20 state has already secured two sources of
21 funding for digital equity inclusion
22 programs. We ask that the state distribute
23 the digital inclusion program funding. In
24 the 2021 budget, \$15 million was included in

1 the Aid to Localities through the New York
2 State Education Department. This funding was
3 specifically for digital inclusion programs.
4 It has not yet reached our communities.

5 There's also been \$10 million secured
6 through capital projects funds in 2022; we
7 also have not seen dollars roll out to our
8 communities for those programs.

9 Over the past two years the Department
10 of Labor's surveys for jobseekers and
11 employers state that the most in-demand needs
12 for both jobseekers and employers is digital
13 skills. This is something that our state
14 cannot fall behind on.

15 Thank you.

16 CHAIRWOMAN KRUEGER: Thank you.

17 Next.

18 MS. FITZGERALD: Thank you. Good
19 afternoon. My name is Ellie Fitzgerald from
20 TEACHMEducation Services. Thank you for the
21 opportunity to offer testimony to you today
22 about an essential solution to address the
23 educator workforce crisis.

24 The economic health of New York State

1 is dependent upon a well-educated workforce.
2 Education undergirds all career paths by
3 equipping students to become the workforce of
4 tomorrow. That can't happen without
5 well-trained educators. This is a crisis,
6 with New York State officials estimating the
7 need of over 180,000 new teachers in the next
8 decade.

9 Why the shortage? In New York State
10 becoming a certified educator is expensive.
11 The prohibitive cost is evidenced by a
12 53 percent drop in program enrollment over
13 the last decade. Student debt is compounded
14 by unpaid placements in traditional programs.
15 Most people can't afford to quit a paying job
16 in order to complete degree requirements.

17 Retention is also a serious problem.
18 Over 50 percent of those traditionally
19 trained exit within the first few years,
20 which comes with a very high price tag for
21 New York State taxpayers.

22 So what can be done? Apprenticeships
23 are the gold standard of workforce
24 development. The Legislature can leverage

1 the "Earn to Learn" apprenticeship model with
2 state funding embedded alongside the local
3 district investment at the heart of this
4 educator workforce initiative.

5 What steps are we asking you to take?
6 First, create a new categorical state aid of
7 up to \$5 million in the pilot year to offset
8 district costs for training educators in
9 registered apprenticeship programs. This
10 makes sense because categorical aid provides
11 stability across all New York State zip
12 codes.

13 New York State educators are certified
14 to serve the entire state, and an effective
15 teacher is the most important factor in
16 student success.

17 Next, target the high-need area of
18 special education teachers by expanding
19 existing funding for Part 853 and 4410
20 schools by \$2 million during the pilot year
21 in order for them to also train educators
22 through RAPs. This too makes sense because
23 apprentices trained in these special ed
24 schools develop an expansive knowledge of the

1 complex needs of students with disabilities.
2 That benefits public school students
3 statewide.

4 Third, provide \$1 million in yearly
5 funding to continue the work of the New York
6 State Educator Workforce Development HUB, and
7 allow them to expand, acting as an
8 intermediary sponsoring programs for
9 educational agencies without the capacity so
10 that all schools can participate in this
11 highly effective training model.

12 We urge the Legislature to support
13 this \$8 million set of appropriations so
14 every student in New York State has a
15 well-trained educator. Education is New York
16 State's largest public spending program. By
17 investing in registered apprenticeships for
18 educators, you'll ensure that funding is
19 well-spent. It is the smartest investment
20 this Legislature can make to serve the
21 students, taxpayers and economic prosperity
22 of New York State.

23 Thank you.

24 CHAIRWOMAN KRUEGER: Hello, my old

1 friend Mr. Parrott. You come last.

2 MR. PARROTT: Thank you,
3 Senator Krueger.

4 Good afternoon to members of these
5 various committees. Thanks for the
6 opportunity to testify this afternoon.

7 I'd like to focus on the state's
8 Unemployment Insurance Program. As you know,
9 Governor Hochul's FY '26 budget proposal
10 proposes to use \$165 million of taxpayer
11 dollars to pay interest payments that
12 employers would otherwise be charged in 2025
13 for the New York State Unemployment Insurance
14 Trust Fund debt owed to the U.S. Treasury.

15 The Governor's proposal is not even a
16 Band-Aid. It's more like blowing a kiss at a
17 serious wound. It might be a nice gesture
18 for a fleeting moment, but it won't heal
19 anything. Our UI system desperately needs
20 three things: Solvency, tax fairness, and
21 benefit adequacy.

22 The trust fund debt was \$6.4 billion
23 as of last week. It has declined by only
24 \$2 billion over the past two years. In 2024

1 New York employers paid \$3 billion in UI
2 taxes, but that was only \$800 million more
3 than the cost of UI benefits paid. At this
4 rate, it will take until 2030 to pay off the
5 pandemic era-related debt.

6 I heard the commissioner say that the
7 debt would be paid off in 2027. If we paid
8 down \$2 billion over the last two years, I
9 don't see how we're going to pay \$6 billion
10 in the next three years. The math just
11 doesn't work.

12 The additional interest over the next
13 five years will total an estimated
14 \$400 million, assuming no recession. If the
15 Governor's proposed 2025 bailout goes through
16 this year, taxpayers likely would be on the
17 hook for this additional \$400 million in
18 subsequent years.

19 Comprehensive UI financing reform is
20 long overdue. New York should address the
21 outgoing UI trust fund debt problem
22 immediately, and this would open the door for
23 benefit improvements. And we need to
24 restructure regular UI financing to ensure

1 solvency and tax fairness going forward.

2 I suggest a temporary UI debt pay-down
3 surcharge. With a \$100,000 taxable wage base
4 and a 0.5 percent tax rate, the trust fund
5 debt could be paid off in two and a half
6 years while providing a 100 percent surtax
7 exemption or credit to all small and
8 medium-sized employers of workers with wages
9 below \$60,000. The temporary surtax would
10 raise a net of \$2 billion annually, which
11 would completely pay down the UI debt by
12 September of 2028.

13 Enacting the surcharge would open the
14 door to improving the adequacy of the state's
15 UI benefits. Our maximum benefit has been
16 frozen since 2019. Our benefit structure
17 lags all other states.

18 (Time clock sounds.)

19 MR. PARROTT: If I could just take
20 10 more seconds.

21 The current UI tax structure unfairly
22 burdens small businesses and low-wage
23 employers with much higher effective tax
24 rates than highly profitable large businesses

1 in finance, tech, media and professional
2 services. A much higher taxable wage base
3 and revamped tax structure that lessens the
4 impact of the reserve ratio experience rating
5 method will provide small business relief and
6 advance solvency and benefit adequacy goals
7 while achieving UI tax fairness.

8 Thank you.

9 CHAIRWOMAN KRUEGER: Thank you.

10 Assembly Chair Harry Bronson.

11 ASSEMBLYMAN BRONSON: Thank you,
12 Madam Chair. You could tell I was anxious to
13 follow up on this UI situation.

14 A couple of things. So you answered
15 the one question, because I was shocked when
16 the commissioner said we'll pay it off by
17 2027. The math doesn't work. And we really
18 need to take care of this. We need to take
19 care of this for our employers, who are
20 burdened with the assessments, and we need to
21 get the fund solvent again so that -- you
22 know, we already have a statutory structured
23 increase that we can't do because of the
24 debt, right?

1 MR. PARROTT: Right.

2 ASSEMBLYMAN BRONSON: What I don't
3 fully understand about your proposal -- I
4 like the concept, solvency, tax fairness and
5 funding reform so that we have a better
6 funding system.

7 I'd like you to talk a little bit
8 about the wage base under your proposal, what
9 that would be, and then also how this will
10 help small businesses. And could you expand
11 a little bit on how you're defining small
12 businesses and medium, employee earnings and
13 things of that nature? Because I don't quite
14 get it.

15 MR. PARROTT: Sure. Yeah. New York
16 State currently has a taxable wage base of
17 \$12,800. Under the 2013 reform, that will be
18 phased up to \$13,000 in 2026. That's much
19 lower than many states.

20 And the impact of that is that small
21 businesses pay a much higher effective tax
22 rate because the average wage of their
23 employees is a lot less than at big tech or
24 finance companies. So they're paying a very

1 high effective tax rate relative to the total
2 payroll, much higher than what large
3 businesses are.

4 So my proposal is to raise the taxable
5 wage base to \$100,000. That's still a lot
6 less than the Social Security or the Medicare
7 tax base. But that would then make it
8 possible for large employers, very high wage
9 workers -- we have many industries like
10 finance and tech and media and professional
11 services in New York State that are highly
12 profitable that actually profited during the
13 pandemic -- so it's asking them to pay a
14 little bit more in UI taxes and lighten the
15 burden on small employers.

16 You know, the precise definition of
17 small employers should be a subject for the
18 Legislature to discuss, so I don't have a
19 hard-and-fast proposal there.

20 What I have in mind, though, is I look
21 at industries with a lot of -- the low-wage
22 employers. You know, and that's hospitality,
23 retail trade, restaurants. And so they're
24 paying very high effective UI tax rates.

1 Other industries with very high average wages
2 that I've mentioned, you're paying very low
3 tax rates.

4 So this would restructure that tax
5 burden to shift more of it onto larger
6 businesses that are much more able to afford
7 that.

8 ASSEMBLYMAN BRONSON: Thank you very
9 much.

10 CHAIRWOMAN KRUEGER: Thank you.

11 Assemblymember Pheffer Amato.

12 ASSEMBLYWOMAN PHEFFER AMATO: Hi, yes.
13 I have it -- Ellie, right? So when you're
14 talking about the apprenticeships and talking
15 about how to help with the teachers, I
16 remember when my aunt was in school in
17 Queens College and they said if you want to
18 get a master's degree in special education,
19 it was free.

20 I mean, is that what we're -- how do
21 we bring that back, or those kind of programs
22 where the college is free in those type of
23 jobs?

24 MS. FITZGERALD: Thank you. Yeah,

1 effective tax rates are so high on what I
2 generally call small businesses and
3 businesses in these predominantly lower-wage
4 industries -- and I include construction in
5 there also, because they're paying very high
6 effective tax rates.

7 You know, part of the problem is we
8 have an undue reliance on a particularly
9 antiquated experience rating method. You
10 know, it's a little -- it's a wonkish
11 concept, but it was rooted in the 1935
12 unemployment insurance law. New York
13 basically has it modernized and gotten away
14 from that -- what's called the reserve ratio
15 experience rating method, which really
16 penalizes small employers in particular.

17 I could go into more detail on that,
18 but -- so to change the reliance on
19 experience rating and raise the taxable wage
20 base, we would then in effect, you know, open
21 the door to shifting the tax burden to larger
22 employers.

23 CHAIRWOMAN KRUEGER: I'm sorry, I have
24 to cut you off, Jim.

1 ASSEMBLYWOMAN PHEFFER AMATO: I want
2 to just say thank you for bringing this --

3 CHAIRWOMAN KRUEGER: Thank you.
4 Assemblymember Durso.

5 ASSEMBLYMAN DURSO: Thank you, Chair.
6 So my question is for Mr. Martin.

7 When you were speaking before about
8 reintroducing people into the workforce,
9 especially after addiction, what do you feel
10 are the biggest hurdles that they have to go
11 over? Is it the ability to get the
12 licensing? Is it the training? Is it
13 education? What do you see as the biggest --
14 obviously other than the addiction issue,
15 right, and then working through that.

16 But once they're at a level that they
17 can -- they feel they can go back to work,
18 they've dealt with the addiction issue to a
19 degree, is it the education, the training,
20 the ability to get those licenses? And have
21 you teamed up with other adult education
22 groups like, you know, on Long Island? I'm
23 big with the BOCES program.

24 MR. MARTIN: I'm from Long Island, so

1 I know it well.

2 ASSEMBLYMAN DURSO: Yeah, so the adult
3 education programs, especially at night.

4 Do you see those as the biggest
5 hurdles, and have you teamed up with any
6 education groups like that?

7 MR. MARTIN: So yeah, sobriety is key.
8 Nothing -- we like to say nothing goes
9 forward unless you're clean in our program.

10 So once we feel that we have that
11 issue licked, I think what you're trying to
12 do is add employment tools to the toolbox.
13 So certifications in any number of employment
14 pipelines are key.

15 I think, in our experience as an
16 organization that does workforce development,
17 it's support. Once the individual identifies
18 a career path and is going after a certain
19 certification, there has to be support along
20 the way. This journey can take years. And
21 when you are living paycheck to paycheck or,
22 you know, maybe living on welfare, maybe
23 working poor, maybe living in a shelter and
24 you're trying to go to school and go to work

1 at the same time, that's a journey, and it's
2 a difficult one.

3 And I think what organizations work
4 for us -- development organizations -- do
5 well is to provide that assistance to
6 individuals that are on those career paths
7 and help them manage the hurdles that they're
8 going to encounter so that they can increase
9 their wage over time.

10 ASSEMBLYMAN DURSO: Okay. And then
11 just -- I really don't expect you to have the
12 numbers, but those that are getting into --
13 especially those with addiction issues,
14 right, and once they get into that workspace,
15 especially -- and I'm being specific about
16 trades -- do you feel that or do you have any
17 specific numbers or an idea off the top of
18 your head of those that are able to stay in
19 the workforce, be able to -- really what I'm
20 saying is the work that they're doing, is it
21 helping them battle those addiction issues
22 and keep on the straight and narrow for
23 themselves and their families?

24 MR. MARTIN: Absolutely a hundred

1 percent. Employment, stable employment and
2 stable housing is key to sobriety.

3 I also wanted to add that, you know,
4 as far as the trades go, we are -- like many
5 workforce providers, you know, the trades are
6 the gold standard. You make a living.

7 I grew up, my best friend or one of my
8 best friends in the world is a plumber, he
9 makes a very good living. He learned it from
10 his dad.

11 The issue that we have is math and the
12 ability to do math for a trade. We're seeing
13 folks come in who are desperate to become
14 electricians, desperate to become plumbers.
15 They don't have the educational foundation to
16 be able to do that work, and that goes back
17 to high school.

18 ASSEMBLYMAN DURSO: Thank you, sir.

19 CHAIRWOMAN KRUEGER: Assemblymember
20 Judy Griffin.

21 ASSEMBLYWOMAN GRIFFIN: Thank you,
22 Chair.

23 James, this is for you. I wonder if
24 you can expand on the -- you know,

1 Assemblyman Bronson and Assemblywoman Pheffer
2 talked about this. Increasing the taxable
3 wage base, what does that look like
4 specifically? Like how much are you
5 suggesting we raise the bigger companies?
6 And are there -- is there some level of small
7 businesses that we would not be giving -- we
8 would give a substantial decrease to?

9 MR. PARROTT: So taxable wage base is
10 the portion of your payroll that you're
11 paying UI taxes on, right?

12 But right now it's \$12,800. So I'm
13 proposing to substantially raise that to
14 \$100,000 so that bigger companies would then
15 pay a bigger share of the total revenues.

16 You need to couple that, though, with
17 a change in the experience rating method
18 which will put less emphasis on, you know,
19 volatile unemployment changes in small
20 companies -- because it affects them more
21 relative to their payroll. Reserve ratio
22 experience rating method now hinges a lot on
23 what the size of your payroll is. The
24 smaller you are, the bigger impact it has.

1 So we need to change that and get away
2 from that. And, you know, right now we have
3 a lot of small businesses that are paying
4 unemployment rates of 10 percent or more.
5 Half of that is just due to the fact that the
6 trust fund is in debt. That's not a result
7 of the small companies, that's because the
8 big companies haven't been paying enough into
9 the system.

10 ASSEMBLYWOMAN GRIFFIN: Right. It
11 makes a lot of sense. And, you know, small
12 businesses -- it's such a struggle to have a
13 small business, the mom-and-pop businesses we
14 all have in our towns and villages.

15 So yeah, I would appreciate more
16 information in looking at that.

17 And to Jim, Annmarie and Ellie, we
18 don't really have that much time. Appreciate
19 all of your efforts. If each of you want to
20 take a short time just to highlight something
21 that you are doing, that would be great.

22 MR. MARTIN: I pass my time.

23 MS. LANESY: Thank you.

24 I would love the opportunity to tell

1 all of you about a program that we have in
2 partnership with the Office for New
3 Americans. Any immigrant or refugee in the
4 State of New York, regardless of their
5 immigration status, can take our training for
6 free, from home. We send them laptops,
7 hotspot internet access, and they're training
8 from the comfort of their home.

9 So please spread the word. Thank you.

10 ASSEMBLYWOMAN GRIFFIN: Well, that's
11 amazing.

12 MS. LANESY: Thank you.

13 MS. FITZGERALD: Thank you.

14 Yeah, if you're not familiar with the
15 educator registered apprenticeships, we'd
16 love to talk with anyone a little bit more.

17 But some of the cool work in the space
18 is happening around the state. So we do have
19 15 programs around the state. There's over
20 50 registered educator apprentices.

21 There's also three titles in New York
22 State. There's a TA title, a teacher, and a
23 school building leader title. So it is
24 providing a ladder of growth through the

1 profession.

2 The other piece I wanted to mention --
3 oh, I'm running out of time. We'll follow up
4 with you.

5 ASSEMBLYWOMAN GRIFFIN: Thank you.

6 CHAIRWOMAN KRUEGER: Thank you.

7 And I believe we've completed the list
8 of questioners. So I want to thank this
9 panel for your work, for your participation
10 today.

11 And I actually want to officially
12 close this hearing and let everyone know that
13 in theory the next hearing is starting at
14 2:30, which is now, but some of us are going
15 to take a quick personal hygiene break.

16 So thank you very much.

17 (Whereupon, the budget hearing
18 concluded at 1:28 p.m.)

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