



# THE NEW YORK STATE PUBLIC EMPLOYEES FEDERATION TESTIMONY

Workforce Development/Labor - Joint Legislative Budget Hearing

2025-2026 Executive Budget Proposal

February 26, 2025

Wayne Spence, President

Good afternoon Chairpersons Krueger, Pretlow, Jackson, Pheffer Amato, Ramos, Bronson and other honorable members of the legislature. My name is Wayne Spence and I am the president of the 54,000-member strong New York State Public Employees Federation (PEF). I want to thank you for the opportunity to speak to you about the 2025-26 Executive Budget proposal and its impact on the state workforce. Our union is composed of professional, scientific and technical experts who provide critical services to the residents and taxpayers of New York State. PEF members take a great deal of pride in their work and the care that they provide to clients because they are professionals and they care about the welfare of their fellow New Yorkers.

PEF is grateful to Governor Hochul and all of the members of the Legislature who supported the recent improvements to Tier 6. PEF appreciates the civil service reforms enacted to help improve hiring, including: eliminating testing fees, continuous recruitment exams, crediting provisional service toward probationary service, expanding civil service testing sites and authorizing the Department of Civil Service to conduct the first comprehensive pay grade study in over two decades. As these reforms slowly work their way through the system, however, we continue to see that the state is having difficulty attracting and retaining staff.

### **State Staffing**

PEF very much appreciates the attempt to expand staffing to address overtime costs, to enforce the laws of the state and to continue to deliver the excellent service New Yorkers need. While we are making some progress, more action is required.

#### **(1) Overtime Costs**

The lack of staffing continues to drive unnecessary costs and increase attrition. In 2023, overtime hours for state employees increased by 500,000 to 22.7 million.<sup>1</sup> The cost for that overtime labor was \$1.2 billion. The continued reliance on overtime places undue burdens on state employees and their families.

#### **(2) Workforce Attrition**

According to the Office of the State Comptroller, in 2022, the state added 15,011 new hires. The attrition rate in 2022 – the number of staff who left service for reasons other than retirement – outpaced new hires again, with 16,211 people leaving service.

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<sup>1</sup> New York State Agency Use of Overtime and State Workforce Trends, 2014-2023; Office of the NYS Comptroller, June 2024: <https://www.osc.ny.gov/files/reports/pdf/new-york-state-agency-use-of-overtime-trends.pdf>

## **Civil Service Department and “Hiring for Emergency Limited Placement Program” (HELPS)**

PEF continues to support the Department of Civil Service’s ongoing commitment to transform the hiring process within New York State.

### **A. Civil Service Transformation:**

In 2023, PEF supported the Department’s efforts to build capacity and begin the process of addressing arbitrary barriers that keep too many New Yorkers from entering public service, including:

- (1) **Staffing**: Provided additional resources for departmental staffing to develop and administer exams to facilitate hiring and onboarding;
- (2) **Pay Grade Study**: Provided additional resources to conduct a compensation study to see if identical professional titles were being paid comparably between state agencies and another study to weigh compensation between public and private employers for the same work to determine the competitiveness of the state’s salary structures; and
- (3) **Regional Testing/Service Centers**: Established 12 regional testing centers to expand opportunities for lower income and geographically dispersed New Yorkers to access public employment more easily.

These programs were initiated to improve not only recruitment into state service but also the retention of new and existing civil servants. But, since these programs were adopted and funded in 2023, the 12 regional testing centers are still not operational, the first of the compensation studies has just been approved by the Office of the State Comptroller and the Department has yet to put the second of these studies out to bid.

### **Extending HELPS**

As a key stakeholder in addressing labor and workforce concerns in New York State, PEF was recently told the Department would pursue an extension of the NY HELPS program to complete the goals set forth at the program’s inception during the 2023 - 2024 Legislative Session.

- (1) **Promotional Exams**: One of the goals the Department identified in extending this program was the need to increase the number of promotion and transition exams to advantage and support state employees.

Promotion and transition exams are important opportunities for increased pay and career mobility for our members and other civil servants. Internal promotion helps retain New York's long-serving staff and the institutional knowledge they possess. But despite the importance of these opportunities, there has been a **decrease** in the total number of promotion and transitions exams since NY HELPS was first implemented. In 2022, a total of 568 promotion and transitions exams were held, in 2023, 527 were held, and in 2024, 448 were held.

**(2) Provisional Appointments:**

Promotion exams are also of the utmost importance to our members who are appointed provisionally and have been waiting for the opportunity to become permanent via examination. Under current law, provisional appointments can only serve nine months, but PEF currently represents 230 members who have been serving in provisional positions for 13 months or more. These are clearly hard working, needed employees or the agencies would have dismissed them earlier. NY HELPS is designed to fill hard-to-fill positions, yet the Department is reluctant to include these titles long-term provisional positions under the NY HELPS program so they can have permanent positions. Without hosting examinations, extended provisional service will not be remedied.

Regarding cover-ins, making NY HELPS appointments permanent-competitive, we have identified inequities in the promotion opportunities not allotted to current members serving in traineeships and provisional service. We would like to discuss the merit and fitness measures that should be applied to NY HELPS hires which current state employees are required to meet.

As we look towards another year of the NY HELPS program, PEF expects the Department to use the resources provided to fund the programs it has identified to meet its state workforce goals. We understand there are difficulties, but NY HELPS cannot be a solution beyond this recent extension. The NY HELPS program should end at the current end date of June 2026. We fully support providing the Department with any additional resources needed to successfully increase the number of promotion and transition exams, opening 12 computer-based regional testing centers to reach New Yorkers who don't have the ability or resources to travel to take a state exam, as well as examining equity and competitiveness within the States's classification and compensation program. PEF looks forward to our continued partnership.

## **PEF SUPPORTS The Following Executive Budget Proposals Affecting the State Workforce**

### **(1) SUNY Hospitals**

PEF **SUPPORTS** legislation to fortify and secure the long-term future of the SUNY Hospitals. For over a decade prior to COVID-19, the funding for SUNY's three hospitals (Upstate in Syracuse, Downstate in Brooklyn and Stony Brook) had been declining.

The State of New York has a moral obligation to continue to support all of the SUNY hospitals, not close their doors. While it is true that there are many other hospitals, our public hospitals are unique as they help train new doctors and other medical professionals while providing medical treatment to uninsured, underinsured, indigent, undocumented and other at-risk New Yorkers who cannot afford to pay for those services.

PEF supports the Governor's capital plan for both Upstate and Downstate and PEF recommends that both capital appropriations be increased to complete the facility improvements needed to delivery state-of-the-art quality care.

Unfortunately, the "Downstate Community Advisory Board," which was established in last year's budget, was not formed until November 25, 2024. The Advisory Board has only held one public meeting to date and needs time beyond its April 1, 2025, deadline to meet its required number of public meetings and to deliberate on its recommendations regarding this incredibly important public institution.

PEF continues to support the revitalization of this important hospital, including maintaining the significant in-patient bed capacity needed to ensure the continuity and quality of care for the residents of Brooklyn.

#### **PEF BUDGET REQUEST:**

**EXTEND** the deadline for the report from the "Downstate Community Advisory Board" until June 1, 2025, so the board will have ample opportunity to meet with stakeholders and the community.

**SUPPORT** \$100 million in operating aid for SUNY Downstate and the re-appropriation of any unused operating funds from 2024-25.

**SUPPORT** \$450 million in capital aid for SUNY Downstate and the addition of another \$250 million in capital money pending the adoption of the “Downstate Community Advisory Board’s” recommendations.

**SUPPORT** \$300 million re-appropriation of capital aid for SUNY Downstate.

**SUPPORT** \$200 million in capital aid for SUNY Upstate.

**(2) Waive Civil Service Exam Fees (S.3005/A.3005 – Part V):**

PEF **SUPPORTS** continuing to waive the civil service exam fees until July 1, 2025, as they are an outdated and onerous barrier to entering public service.

**PEF BUDGET REQUEST:** **SUPPORT** Waiver of Civil Service Exam Fees (S.3005/A.3005 – Part V)

**(3) Funding for the Cultural Education Center and NYS Museum (S.3006/A.3006 – Part AA;**

PEF fully **SUPPORTS** the capital plan and **SUPPORTS** the \$3.2 million operating aid increase in the 2025-26 Executive Budget Proposal. However, as requested by the Education Department, the Cultural Education Center (CEC) requires additional operating support primarily for adequate staffing. The CEC has seen only modest increases in state support over the past decade. These funding constraints have persisted despite an increase in inflation exceeding 60% over that timeframe, as well as increases in compensation based on successive collective bargaining agreements with the organized staff. The State Education Department has requested an infusion of \$12 million to support the operating needs of the Cultural Education Center, including the NYS Museum. PEF supports this request.

**PEF BUDGET REQUEST:**

**Capital Plan** (S.3004/A.3004): **SUPPORT** the Governor’s Capital Plan but expand the process to engage professional stakeholders employed by the museum to enhance the design and exhibit identification and implementation processes;

**Operating Aid** (S.3000/A3.000): **INCREASE** additional operating aid to SED budget of \$12 million in recurring funds to support additional staffing;

**Museum Study** (S.3006/A.3006 – Part AA): **EXPAND** the State Museum Study to incorporate the collection of additional data on the ancillary services the museum provides to the educational community, researchers and other stakeholders and the need for expanded staffing to meet those needs.

(4) **Expand the Use of Earned Time Credits for Commissioner of DOCCS (S.3005/A.3005 – Part E):**

PEF **SUPPORTS** the expanded use of merit time and earned time credits for incarcerated individuals. This provision should be aligned with the “Less is More” law (Chapter 427/2021) to limit the application and accrual of “earned time” credits for parolees who are NOT abiding by their court-ordered drug treatment or mental health treatment programs OR who abscond from their parole officer or the regional bureau.

Earned time credits need to be used to reward positive behaviors – it defeats the purpose of affording “earned” time credits for individuals who avoid required treatment or abscond while still serving their court-ordered sentence in the community on parole. The state is not doing a service to the parole population by awarding earned time credits to those who do not abide by their addiction treatment plans and/or their mental health treatment plans. We are currently reinforcing bad behaviors – many of the same behaviors that caused these individuals to interact with the criminal justice system in the first place.

**PEF BUDGET REQUEST:**

**SUPPORT** expanded use of Earned Time Credits at DOCCS and;

**SUPPORT** aligning the awarding of Earned Time Credits to parole population (2024: S.3065-A/A.8934-A)

(5) **Strengthen and Expand Protections Against Gender-Based Violence in the Workplace**  
**(S.3005/A.3005 – Part J)**

PEF fully **SUPPORTS** this program but believes the state needs to undertake a more holistic approach to addressing real and potential violence in the workplace for all staff. The state needs to recognize and address the on-going incidents of bullying and abusive conduct occurring in the state workforce through education and remediation. Bullying and abusive conduct by staff are harbingers of potential violence and the state should adopt a strict policy prohibiting these acts.

**PEF BUDGET REQUEST:**

**SUPPORT** the expansion and strengthening of protections against gender-based violence in the workplace and

**SUPPORT** including legislation in the budget establishing similar protections against “bullying” and “abusive conduct” in the workplace (2024: S.3065-B/A.8934-A)

**(6) Make Permanent and Expand the Workzone Speed Camera Program (S.3008/A.3008 – Part Q)**

PEF **SUPPORTS** legislation making the Workzone Speed Camera program permanent. This pilot program established a speed violation photo monitoring systems in work zones (Automated Work Zone Speed Enforcement – AWZSE). This successful pilot program authorized the NYS Thruway Authority and NYS Department of Transportation (DOT) to increase penalties, modified the adjudication process and expanded authorization for speed violation photo monitoring to increase safety for staff and the traveling public.

**PEF BUDGET REQUEST: SUPPORT** making the Workzone Speed Camera Program permanent (S.3008/A.3008 – Part Q).

**(7) Increase Penalties for Assaults Against Transportation Workers (S.3008/A.3008 – Part R)**

PEF **SUPPORTS** legislation to expand the current assault protections available to certain public employees under penal law section 120.05 to motor vehicle license examiners, motor vehicle representatives, highway workers, motor carrier investigators, and motor vehicle inspectors. However, PEF believes these protections should be afforded to ALL PUBLIC EMPLOYEES who are knowingly and willfully assaulted in the performance of their duties.

Assaults and abuse against public employees are on the rise. Public employees are being vilified for doing their jobs and performing public service. It is unacceptable and requires your attention.

**PEF BUDGET REQUEST:**

**SUPPORT** expanding protections to transportation workers (S.3008/A.3008 – Part R) and **EXPAND** coverage to include all state employees who are assaulted in the performance of their duties (2025: A.3282 by Bronson)

**PEF OPPOSES The Following Executive Budget Proposals Affecting the State Workforce:**

**(1) Shifting Oversight from SED to DOH (S. 3007/A/ 3007 Part V):**

PEF **OPPOSES** transferring licensure and oversight for physicians, physician assistants and special assistants from the State Department of Education (SED) to the State Department of Health (DOH). The State Education Department, under the direction of the NYS Board of Regents, regulates healthcare and other professions through the Office of the Professions and the State Boards for the Professions. The Regents also appoints a State Board to advise and assist the Regents on matters of professional



regulation for each individual licensure area. The core function of the Office of the Professions is to regulate the professions and to protect the public. To that end, it is appropriate for this function to rest with SED because education plays a key role in preparing licensed professionals and in ensuring their continued development. This long-established process helps to ensure the autonomy, professional quality and integrity of each licensed profession.

There are also concerns about the consequences of transferring oversight from an entity that is generally considered to be independent to an agency directly under the control of the Governor. Two years ago the Governor proposed a similar measure for nurses. We thank you for opposing that proposal and we urge you to do the same with this current one.

**PEF BUDGET REQUEST**: **OPPOSE** Shifting Oversight from SED to DOH (S. 3007/A/ 3007 Part V)

- (2) **Authorizing New York to Enter into the Interstate Licensure Compact (S.3007/A.8007 - Part W)**: PEF **OPPOSES** legislation authorizing New York State to enter into the Interstate Nurse Licensure Compact.

While this may bring additional nurses to New York from other states, it may also lead to outmigration of nurses from New York to other states in the Compact. Nurses may decide to leave New York for a variety of reasons and this would make it easier for them to relocate and exacerbate the current shortage. PEF is also concerned that most of the Compact states have significantly lower licensure requirements than New York. New York should be proud of its high standards and lowering those standards simply to allow out-of-state nurses to practice in New York should give us all pause. PEF is also very concerned about entering into a compact given the recent *Dobbs* decision. Many Compact states, including Alabama, Arkansas, Idaho, Kentucky, Mississippi, Missouri, Oklahoma, South Dakota, North Dakota, Tennessee, and Texas, have taken actions to severely limit a woman's right to choose and have also enacted statutes that levy significant penalties against health care professionals who perform abortions, even when the patient's life may be at stake. If we enter the Compact, how does the state regulate the activities of nurses with licenses from these states who support these limits and how does the state protect the nurses from New York practicing in one of these other states when a patient requires a life-saving abortion?

In the end, there are no shortcuts for developing the workforce we need. Even before *Dobbs*, there was simply no evidence indicating that the states that have entered into this Compact have seen patient outcomes or staff-to-patient ratios improve. Please reject this plan.

(3) **PEF BUDGET REQUEST:**

**OPPOSE** Authorizing New York to Enter into the Interstate Licensure Compact (S.3007/A.8007 - Part W) and

**SUPPORT** in-state programs to increase the number of nurses by passing the Nurse Preceptorship Program (2024: S.2067 Sen. Stavisky/A.2230 Asm. Gunther)

(4) **Market Based Interest Rate on Court Judgements (S.3005/A.3005 – Part T):**

PEF **OPPOSES** the elimination of the statutory rate of interest set for court judgements and accrued claims against the state. This change would encourage the state to further delay proceedings that it knows will ultimately result in the imposition of judgements.

**PEF BUDGET REQUEST:** **OPPOSE** Proposal to Move to Market Based Interest Rate on Court Judgements (S.3005/A.3005 – Part T)

(5) **Elimination of the Income Related Monthly Adjustment Amount (IRMAA) (S.3005/A.3005- Part U):**

PEF **OPPOSES** the elimination of the IRMAA benefit. The Governor’s plan to eliminate certain Medicare Part B reimbursements is unfair and bad policy. The Governor’s proposal would cease reimbursement for the IRMAA for “higher” income state retirees. Specifically, the state would retroactively discontinue the IRMAA Medicare Part B reimbursement for “higher income” retirees and provide for a refund to certain retirees. With recent inflation and other costs rising, eliminating this program will hurt many New Yorkers.

Eliminating this insurance reimbursement will greatly impact retirees who dedicated their lives to public service and are now on fixed incomes. PEF retirees do not have the financial flexibility to go out and earn extra money in response to budgetary whims.

NYSHIP retirees living on fixed incomes were made a promise about their healthcare upon retirement. It is shortsighted to achieve savings on the backs of retired public servants and the enactment of such a proposal will certainly not help the state’s recruitment efforts moving forward.

**PEF BUDGET REQUEST: OPPOSE** the Elimination of the Income Related Monthly Adjustment Amount (IRMAA) (S.3005/A.3005- Part U)

**(6) Optional Loan Payment for New Employees (S.3005/A.3005 – Part W):**

PEF **OPPOSES** providing “optional loan payments” to new employees in lieu of eliminating the lag payroll system.

For more than two decades, PEF has fought against the continuation of the two-week lag payroll system. Last year, the Governor and the Legislature agreed to eliminate this ridiculous provision effective on July 1, 2025.

While PEF appreciates and understands that there may be technical issues with implementing this change, it needs to get figured out. This type of program would never be deemed acceptable in private industry and in fact would violate the state’s labor laws. The program has long outlived its usefulness and is yet another reason why the state is not competitive with private employers. Additionally, PEF is concerned about potential problems with repayments and overpayments by staff who join this program.

**PEF BUDGET REQUEST:**

**OPPOSE** providing optional loan payments to new hires (S.3005/A.3005 – Part W);

**SUPPORT** requiring the Governor’s office to update the Legislature and the collective bargaining agents for state employees regarding the reasons why the Lag Payroll system can’t be eliminated as scheduled; and

**SUPPORT** delaying the implementation of the elimination of the lag payroll system until July 1, 2026, to give the state the time it needs to fix this problem.

**(7) Design Build Expansion (S.3005/A.3005 – Part W; S.3008/A.3008 – Part GG):**

PEF **OPPOSES** S.3005/A.3005 PART W: These provisions authorize State entities to utilize Construction Manager as Constructor (CMAC) as an alternative project delivery method; expand the authority to pre-qualify vendors to State agencies; adds the State University of New York and City University Construction Fund to the list of authorized state entities that can utilize alternative project delivery methods; and expands the authority to pre-qualify vendors to state agencies to streamline the procurement process.

PEF **OPPOSES** S.3008/a.3008 – Part GG: These provisions extend the authorization for the Dormitory Authority (“DASNY”) to enter into design and construction management agreements with the Department of Environmental Conservation (“DEC”) and the Office of Parks, Recreation and Historic Preservation (“OPRHP”) for two years.

The folly of the ongoing problems with the State’s design build poster child – the “Governor Mario Cuomo Bridge” – are well documented. Aside from significant cost overruns for the entire project, there was a major issue with faulty bolts installed during the original construction. Now, the Thruway Authority is suing TZC Corporation that was awarded the contract to build the bridge because the pipes that connect the cables to the bridge are faulty (<https://www.lohud.com/story/news/ny-news/2024/08/22/mario-cuomo-bridge-builder-tappan-zee-constructors-sued-by-ny-thruway-authority-over-parts-quality/74895097007/>).

There is no town or village in this state that allows a homeowner to install a deck on their own property without a permit and multiple on-site inspections. Yet, the state feels it appropriate to use billions in taxpayer dollars to pay a private contractor to undertake a project without a single state-provided inspection during the process or without a single state inspector on the project site. If taxpayers can’t do it, why can the state?

**PEF BUDGET REQUEST:**

**OPPOSE** Design Build Program Expansion (S.3005/A.3005 – Part W; S.3008/A.3008 – Part GG)

**SUPPORT** Legislation to give taxpayers a qualified inspector on the job sites of construction projects that they are financing (2024: S.5664 Kennedy/A. 4720 McDonald)

**Prescriptions for Success**

To address these challenges and to support the delivery of quality services in an effective and efficient manner, PEF continues to advocate that New York “Fund Our Future” by expanding public services for at-risk individuals to ensure appropriate and continuous access to quality care for all New Yorkers, with the goal of keeping affected New Yorkers in close proximity to their families and other support systems.

**BUDGET REQUESTS**

There are a number of additional actions that PEFs supports and which were not included in the Executive Budget which will help address staffing issue and which will support New Yorkers in need including:

1. **Fix Tier 6**

PEF appreciates the efforts made as part of the 2024 State Budget which continued the process of correcting the inadequacies of the Tier 6 pension plan by reducing the final average salary calculation from five years to a three-year final average salary benefit and excluding overtime compensation from the calculation of an employees' contribution rate until March 31, 2026. We need to do more. Working with other public employee unions, we will be seeking your support for additional affordable improvements that will help attract and retain a career workforce. We know that these conversations always boil down to cost, but we also must consider the other costs the state, municipalities and school districts are paying in overtime compensation, the civil service exam and onboarding costs, and the costs associated with training and re-training new staff. When you have a workforce that is experiencing this high level of turnover, these are real costs.

Public sector salaries cannot keep pace with the private sector. While the state maintains an excellent health insurance plan, premium increases and employee cost sharing have increased significantly over the years. The most cost effective, universal way to positively impact public sector hiring, and more importantly retention, is to improve the Tier 6 pension plan. We look forward to engaging in this discussion with you directly over the coming weeks.

2. **End Bullying and Increase Respect in Workforce**

We are very thankful to have such excellent leadership in the State Legislature and Governor Hochul has certainly set a new, more respectful tone with her state agencies and her employees. We thank all of the members in the Senate and Assembly who voted in favor of PEF's legislation to include "bullying" and "abusive conduct" in the State's Workplace Violence Prevention Plan (S.3065-B/A.8934-A – VETO #130 of 2024). PEF was disappointed that this bill was vetoed by the Governor and no additional administrative or other executive action has been taken to address the situation for her staff.

Unfortunately, like all large and diverse operations, there remain certain staff – administrative, professional and supervisory – who conduct themselves unprofessionally in the workplace and we need to address that issue. We continue to field issues and concerns from members, especially our nurses and healthcare professionals, who are concerned about the state's work culture. We are not indicating that this is a widespread issue, but it is something that requires further consideration and action.

We hope that you will join with us in support of this legislation again so that the state can be a model employer for all, so that we can educate all workers on what constitutes inappropriate conduct at the workplace, and so we can re-build a culture of mutual respect and support across all agencies as we collectively conduct the people's business.

3. **Deploying Technology to Enhance Safety: Body Scanners in OMH, OCFS, OPWDD and OASAS Facilities**

To reduce the flow of weapons, drugs and other contraband, New York state rightly enacted legislation and provided funding to equip DOCCS facilities with body scanners. The state must provide similar authorization and funding for the other agencies that deal with at-risk New Yorkers – OMH, OCFS, OPWDD and OASAS.

The surge in assaults has been demonstrated by the findings documented in the “*Prison Violence Task Force*,” Department of Corrections and Community Supervision (June 2023); and the “*Oversight of Juvenile Justice Facilities*,” Office of Children and Family Services; Office of the State Comptroller (April 2024), as well as the stabbing of three mental health professionals at the Buffalo Psychiatric Center on April 3, 2024, and the recent rape of two staff members at Hutchings Psychiatric Center in Syracuse.

The increase in assaults and injuries at these agencies is also reflected in the “Annual Report of NYS Government Employees’ Workers’ Compensation Claims” from 2022-2023 which clearly indicates the differentiation of these agencies versus other agencies and our collective need to find solutions to keep your workers safe on the job.

At a minimum, the use of body scanners will reduce risks for both staff and clients.

**Top Four Agencies with Highest Injury Rates 2023-2024**

	<b>Incidents</b>	<b>Lost Days</b>	<b>Comp Costs</b>	<b>Medical Costs</b>	<b>Total WC Costs</b>
DOCCS	6,949	109,831	\$9,055,748	\$12,275,339	\$21,331,087
OMH	2,632	53,631	\$7,118,739	\$6,159,299	\$13,278,038
OPWDD	2,245	80,376	\$11,765,521	\$5,037,204	\$16,802,725
OCFS	462	15,834	\$2,626,751	\$950,407	\$3,577,158
<b>Total 5 Agencies</b>	<b>12,288</b>	<b>259,672</b>	<b>\$30,566,059</b>	<b>\$24,422,029</b>	<b>\$54,989,008</b>

**All Other Agencies Combined**

**2,705      44,133      \$5,489,680      \$5,061,318      \$10,550,078**

(Source: NYS Department of Civil Service “*Annual Report of NYS Government Employees’ Workers’ Compensation Claims;*” [Annual Report of NYS Government Employees' Workers' Compensation Claims 2023-2024](#))

**PEF BUDGET REQUEST:** Enact legislation to require body scanners at secure and other facilities administered by OCFS, OMH and OPWDD in the same manner and with the same protocols as currently exist for DOCCS.

**4. Real Accountability: Enhanced Penalties for Assaulting State Employees in the Performance of Their Jobs**

The state of New York has rightly enacted enhanced penalties for individuals who knowingly and willfully assault workers performing their responsibilities. The list of covered employees includes peace officers, nurses, sanitation workers, housing authority staff, train operators, and public school teachers and staff.

PEF is seeing an increase in the frequency and the severity of assaults against PEF members. New York needs to expand this law to cover any state employee who is willfully and intentionally assaulted in the course of delivering services. The state of New York can no longer afford to tolerate these behaviors and must hold all New Yorkers accountable for their actions.

**PEF BUDGET REQUEST:** Pass legislation to increase the penalties on individuals who willfully and knowingly assault any employees in the performance of their duties (2025: A.3282 by Bronson).

## 5. Fortifying and Expanding Assertive Community Treatment Teams in State-Operated Facilities

Assertive Community Treatment (ACT) takes a "whole team" approach to treating serious mental illness. It allows people to receive services in their community (rather than a more restrictive hospital setting). ACT aims to reduce the reliance on hospitals by providing round-the-clock services to the people who need it most. ACT uses a person-centered, recovery-based approach to care.

State-operated ACT Team caseloads have increased significantly in recent years, and not just in volume, but in acuity and complexity as well. To ensure that these service recipients are treated in a way consistent with expectations and regulations set forth by the state legislature, it is paramount that those services are provided by state employees who are trained and knowledgeable about the standards of care.

The Office of Mental Health provides strict oversight to ensure their ACT Teams are providing the highest standard of care. This year's budget leaves our ACT Teams underfunded and stretched thin and provides no new resources to expand this successful program to other state-operated facilities and the regions that they serve.

State-operated ACT team members develop long-term rapport with the individuals they care for, and provide fast, effective and tailored treatment in times of crisis. This helps to keep individuals with persistent or recurring mental health issues stable and saves money by limiting interactions with high cost emergency room treatment or re-admittance to a mental health facility for stabilization.

The state needs to develop additional capacity to address the high-need, high-cost population of New Yorkers that it serves. New York's state-operated mental health facilities are desperately short of Intensive Case Managers (ICMs) and Forensic ICMs to do follow up contact and intervention services with those suffering from mental illness. The state currently lacks dedicated, publicly-operated ACT teams associated with its own mental health facilities to ensure appropriate emergency and follow up care, and to collect the data that informs outcomes and gauges future programming needs.

**PEF BUDGET REQUEST:** \$25 million to fortify existing state-operated ACTs and to begin the process of establishing Assertive Community Treatment (ACT) Teams and Intensive Case Management Staff at all OMH operated mental health facilities



Thank you for the opportunity to share our concerns with you. We look forward to working with you to ensure that all New Yorkers have access to effective and affordable public services.

Respectfully Submitted,

Wayne Spence  
President, New York State Public Employees Federation