



Assembly Public Hearing on Programs for  
Incarcerated Individuals as Funded in the  
SFY 2024-25 Enacted Budget

December 13, 2024

Testimony by Wayne Spence

Good morning Chairman Dilan and other committee members. My name is Wayne Spence and I am the President of the Public Employees Federation (PEF). I want to thank you for the opportunity to provide testimony to you on behalf of our 54,000 members about the funding for services for incarcerated individuals within the Department of Corrections and Community Supervision (DOCCS).

The NYS Public Employees Federation represents nearly 4,500 DOCCS members, including those who work within the prison health system, rehabilitative services, education, vocational training, drug treatment and many other titles that provide programs and services to incarcerated individuals. These are all areas critical to help DOCCS fulfill its mission.

PEF fully supports the effort to reduce the state's incarcerated population. However, we believe that the state must also do much more to meet its obligation to provide accessible state-operated support and services for both the incarcerated and formerly incarcerated populations. We are pleased that Governor Hochul has previously provided additional resources for re-entry and other services to facilitate the re-integration of formerly incarcerated individuals back into their communities. Now we must focus on the programs and services inside of the correctional facilities.

**DOCCS Staffing:**

Many programs are not living up to their full potential as there is not enough staff to meet the demand for these worthwhile services. We agree with Commissioner Martuscello that there is a dire need for better recruitment and retention within DOCCS in order to staff up programming.

According to the Office of the New York State Comptroller, DOCCS continues to see a decrease in staffing. In 2013, DOCCS had a staff level of 30,162. In 2023, that number dropped to 23,911 (a 21% decrease). While some of this decline can be attributed to the right-sizing of the system with the decrease in the prison population, that is not the only factor. Salary, benefits, mandated overtime, job security and personal safety all contribute to the shortage of DOCCS staff.

This staffing shortage is also demonstrated by the amount of overtime and workers' compensation that emanates from the agency. In 2023, DOCCS accounted for 30% of all state agency overtime payments, costing \$353 million. This represents 6.1 million hours of overtime, the highest of any agency. In addition, for 2023-2024, DOCCS had nearly 7,000 workers' comp incidents resulting in almost

110,000 lost days due to injuries and a total cost of more than \$21 million. These numbers are double that of the next highest state agency (Office of Mental Health).

### **Recruitment and Retention**

#### **Salary:**

Nearly two years ago as part of the 2023-24 budget, you approved funding for the state Department of Civil Service to conduct a study to examine the pay grades for all state employees. To date, the study has not been completed. A Request for Proposals (RFP) was submitted and a vendor has been chosen, but no results have been presented yet.

#### **Benefits:**

Tier 6 has been a major impediment to both bringing in and keeping employees. While we certainly appreciate the reforms that the Legislature implemented over the last few years to Tier 6 (five-year vesting, three-year final average salary calculation), much more needs to be done, including lowering of the contribution rate as well as lowering the age of full retirement. We believe that further changes will help to make public employment a more appealing option for job seekers.

#### **Mandated Overtime:**

Mandated overtime creates a vicious cycle. As employees, particularly health care workers, are forced to work overtime and find that there is no work/personal life balance, they often leave state employment. This further increases the need for overtime for the workers who remain to provide the necessary services for the incarcerated individuals.

#### **Job Security:**

While the state claims that no one loses their jobs when correctional facilities are closed, we know that many employees choose not to continue state service after their work location changes. As part of the difficult process when a prison is closed, the Legislature has allowed the last few Governors to circumvent the 12-month notice period. Budget language has allowed for closures to occur within 90 days of the announcement. This is an added stress to those with families trying to decide if they want to move their family or add more time, sometimes hours, to their commute. Having facilities close nearly every year with little notice is not a great selling point for trying to recruit new employees.

**Personal Safety:**

Safety of both staff and incarcerated individuals is of the utmost importance for PEF. As the prison population has decreased significantly in the last decade, we are concerned about the incidents of violence increasing by a substantial amount.

If the state wants to hire and keep the staff it needs for quality programming, they must ensure the safety of the workers. Increased staffing is one component of the solution. Staff also need proper equipment, such as panic buttons, to notify others if they are in an emergency situation and need help.

Also, while PEF certainly does not want to bring back solitary confinement, our members are concerned about the few individuals who do not follow the rules. There must be better ways to elicit positive behaviors and separate the limited number of incarcerated individuals who would disrupt programs and cause violence against others.

PEF members at DOCCS provide direct health, wellness, education and other services to the incarcerated population. These titles include nurses, rehabilitation specialists, mental health and addiction specialists. Given our mutual goal of reducing the incarcerated population, we believe the state has a responsibility to expand the number and types of support staff who render mental health, wellness, education, training and addiction services so that taxpayers can be comfortable knowing that the rehabilitation of incarcerated individuals is already happening in advance of what we all hope will be a successful release.

The state touts the need for quick prison closures as a way to realize cost savings. We believe that the state should reinvest at least some of those savings into institutionally based, state-operated programs to address the mental health, wellness, education, and job training needed for the currently incarcerated population to maximize their opportunities for success upon release.

Thank you for the opportunity to provide testimony on this important issue today.