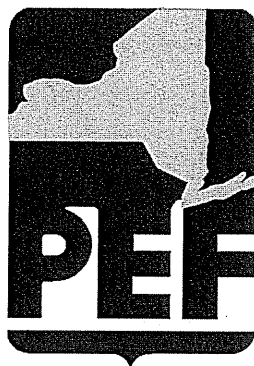


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Testimony, Public Protection Joint Legislative Public Hearing  
On the 2016-2017 Executive Budget Proposal

Good afternoon distinguished committee members. My name is Steve Drake and I am a Vocational Instructor at Mohawk Correctional Facility I have worked for the Department of Corrections for over 23 years.

The New York State Public Employees Federation (PEF) represents thousands of members within The Department of Corrections and Community Supervision (DOCCS). These include those who work in the prison health system, rehabilitative services, education, vocational training, and drug treatments. These are all areas critical to help DOCCS maintain their mission, which is preparing and ensuring an inmates ability to become a productive member of our communities upon their release.

Four years ago, DOCCS merged with Parole, which consolidated the duties of a Correction Counselor and a Parole Officer. Prior to this merger, Correction Counselors had the appropriate time to properly evaluate the inmates assigned to them within their caseload. Since the merger, DOCCS implemented the COMPAS program, which is a sterile computer program and does not allow for proper human interaction of Correction Counselors and the inmates. Because of the COMPAS program, DOCCS has increased Counselors caseloads to the point of simply entering data, which negatively impacts the assistance and treatment received by inmates. In short, the true tools necessary to generate the needs of a potentially productive incarceration has been removed.

In his Executive Budget proposal, the Governor announced that he will partner with Manhattan District Attorney Cyrus R. Vance, Jr., SUNY and CUNY to invest \$7.5 million to expand college in prison programming in state prisons. We would request that the legislature support the expansion of the HSE program which includes all aspects of educational programs in DOCCS. These programs are a more effective

way of giving inmates the skills they need to become productive citizens when released from prison. You cannot take advantage of college programs if you have not completed high school. In order to perform their core mission of programming inmates with the educational tools they need for successful re-entry into the community, the teacher to inmate ratio should increase by 50 percent to match enrollment.

Despite the fact that over the past 14 years the staffing ratio of inmates to uniformed staff within the facilities has been reduced consistently, there has been an increase in violence within these facilities because it was not accomplished proportionately. Since 2010, there has been a 40% increase statewide of assaults on staff in NYS prisons, and a 20% increase of assaults on inmates. (DOCCS Fact Sheet, Dec. 1, 2015) The statewide ratios may have remained consistent; however, this trend in workplace violence clearly indicates the need for additional highly trained staff. We believe there is a need for additional training for current staff and the hiring of trained staff necessary to combat the increased workplace violence, thereby to improving the safety for both staff and inmates.

With that being said, I would like to bring an issue of urgency to your attention. Our members rely on personal alarms for their safety in the prisons, commonly called a personal alarm system or PAS. These are small devices similar to a pager that our members activate during an inmate assault or potential danger. The current PAS system is, in some instances twenty years old or older. Technology has advanced greatly during this time period and there are now PAS systems that can pinpoint locations, which we would request, for quicker response times by security. There was a plan in place to update the PAS system, but with budget cuts in recent years, this very important item has been pushed to the back-burner. As a priority and for everyone's safety, I am requesting that you help us make this life-line possible.

PEF represents numerous licensed medical professionals within DOCCS. These medical professionals provide vital health care 24-hours a day, every day for all of the inmates in the facility and any staff who get hurt or have other medical emergencies at work. DOCCS, as with many state agencies, suffers from recruitment and retention problem of licensed professionals, which PEF represents, such as nurses, doctors, pharmacists, and nurse practitioners within its facilities. The nurse vacancy rate has increased from 10 percent in January 2015 to 15.85% in November 2015 -- an increase of nearly 6% in less than one year-- and this situation isn't improving.

These vacancies are attributed to, in part, salary disparities between what is offered by New York State compared to similar jobs in the community, resulting in the inability to attract and maintain a sufficient number of staff. Salary disparities are further exacerbated by the workplace conditions for these professionals. Recruitment and retention problems result in frequent scheduling and assignment changes as well as a high volume of voluntary and mandatory overtime. Medical professionals represented by PEF are unsung, undervalued, and needlessly overstretched.

**Some key points:**

- DOCCS has the most "No Mandatory Overtime" Violations of all state agencies.
- DOCCS has violated this law 2,729 times between July 1, 2009 and November 2015 forcing nurses to work beyond their regular shift. Repeatedly and unethically, in violation of *NYS Labor Law 167 - Part 177*.
- DOCCS Medical Unit continually lowers the minimum staffing level at each facility forcing nurses to work short-handed, which in turn can contribute to increased medication errors and the inability to provide quality care. This practice also puts a nurse license at risk.

- Nurse vacancy rate has increased from 10% in January 2015 to 15.85% in November 2015, an increase of 5.83% in less than 1 year, and it isn't getting any better.
- DOCCS pharmacists have a vacancy rate of 16%.
- Recruitment of licensed professionals such as nurses, doctors, pharmacists, and nurse practitioners is nearly impossible due to salary disparities between what is offered by NYS compared to the community, resulting in the difficulty to hire enough staff.
- The MOU between NYS OMH and DOCCS expired in 1999; the document was created to clarify the roles and responsibilities of OMH operating within DOCCS. We have been told that the current MOU in draft does not include a breakdown of nursing responsibilities between an OMH Nurse 2 Psychiatric and a DOCCS Nurse 2.

I would like to say at this point, that it is imperative that we begin to take a look at increasing the base pay of a nurse from a Grade 16 to a Grade 18 to help in the recruitment and retention of qualified nurses. With Tier 6 in place and stagnant salaries, there is no incentive for qualified nurses to come to the state for employment or remain with the state for a career.

While I chose to highlight only a few issues today, there are other areas in DOCCS that remain understaffed and underfunded. Please keep in mind, that overtime expenses at state agencies continue to grow and the over reliance on overtime demonstrates the need to reinvest in the state workforce. The public interest is best served by state agencies that are fully staffed with public employees. Thank you for your time and the opportunity to speak with you today.

# **New York State Department of Corrections and Community Supervision**

## **Testimony for Public Protection Hearing February 4, 2016**

Thank you for the opportunity to comment on the Executive Budget proposal for the state fiscal year 2016 – 2017 and the opportunity to provide testimony for the Public Protection Hearing. My name is Paul Rigby and I'm employed as a Senior Parole Officer for the Department of Corrections and Community Supervision. I have worked for the Department for 17 years in the capacity of a Corrections Officer, Parole Officer, Parole Revocation Specialist and as a Senior Parole Officer. I come before you today as the Council Leader for Division 236 of the Public Employees Federation representing Parole Officers, Senior Parole Officers, Parole Revocation Specialists, Parole Hearing Officers and Parole Administrative Law Judges.

The Department of Corrections and Community Supervision's proposed 2016-2017 budget showed an increase to Community Supervisions budget, but provided no change in the FTE (Full Time Equivalent) level.

Currently, there are approximately 650 Parole Officers in Community Supervision that are assigned to the direct supervision of approximately 36,000 parolees. In comparison, there are approximately 24,000 Correctional Officers assigned to 52,000 inmates.-hat gives a ratio of inmates to Correctional Officers 2 to 1. The parolee to Parole Officer Ratio is approximately 55 to 1. Due to changes in Sentencing Guidelines and the closing of DOCCS Facilities, more and more parolees have been released to Parole Supervision.

As the PEF Council Leader of Division 236, I receive reports and news articles of Parolees who have engaged in new criminal behavior , which results in a new arrest for new crimes. Some of the crimes in the last year have included, narcotic sales, possessing weapons, assaults, sex crimes and murder to name a few. I have attached in my written testimony some news articles for your review. Due to the increase in crimes being committed by Parolees, many local municipalities have questioned DOCCS on what they are doing to prevent this from happening and they are calling for Parole reform. I can assure each and everyone of you that Parole Officers give 200%, all of the time to try and prevent these crimes from happening. The problem is directly related to the Standard of Supervision that has been in place for the last few years.

Currently, DOCCS uses what is called the COMPAS system, which is tool to assess the risks and needs of an inmate or parolee to determine what level of supervision will be on that case. Before I tell you about the problems with COMPAS, let me give you a brief description of how parolees were supervised prior to the implementation of COMPAS. When a parolee was released from Corrections, he was considered an Intensive Parolee. He would be supervised at that level for minimally one year. A Parole Officer would have that parolee make office reports 2-4 times a month and would be visited by the Parole Officer 1-2 times a month at his home. The Parole Officer would also visit local law enforcement to review the case, treatment providers and employers. After one year of proving to his Parole Officer, that he was following his conditions, the parolee earned his way to a lower level of supervision. A Parole Officer could supervise up to 40 Intensive Parolees. If the parolee did well, his supervision level would decrease to Regular Supervision and a Parole Officer could supervise up to 60 regular parolees.

PEF Division 236 discussed with Division of Parole Managers and DOCCS Managers that COMPAS would jeopardize community safety if you let a series of questions and answers determine a parolees level of supervision. The COMPAS model requires that each inmate take a questionnaire and based on the risk level, he would be assigned a COMPAS Score. The Parole Officer would then be required to conduct supervision based upon that COMPAS score. There are COMPAS Level 1, COMPAS Level 2, COMPAS Level 3 and COMPAS Level 4 parolees. COMPAS Level 1 being the highest level of supervision and at most risk and COMPAS Level 4 being the lowest level and deemed at least risk. COMPAS level 1 cases require 4 face to face contacts per month which is Similar to the old Intensive Parole Cases. 1 Parole Officer supervises 25 COMPAS Level 1 parolees. COMPAS Level 2 cases require 3 face to face contacts per month. 1 Parole Officer can supervise 40 COMPAS level 2 cases. COMPAS level 3 cases require 2 face to face contacts every 3 months. 1 Parole Officer can supervise 80 COMPAS level 3 cases. COMPAS level 4 cases require 2 face to face contacts every 4 months. 1 Parole Officer can supervise 160 COMPAS level 4 cases. Just like the old style of supervision, sex offenders and mentally ill parolees are supervised at a 25-1 or 15-1 standard.

It is in the opinion of my members, that the COMPAS Level 1 and 2 cases may be deemed high risk, but the problem clearly lies with the impossible task of supervising the COMPAS level 3 and 4 cases. Parole Officers are making supervision standards, but the standard does not adequately provide the amount of supervision necessary in the community. Many drug dealers are COMPAS Level 3 parolees. Where there are drugs, there are weapons. Many times, Parole Officers find these parolees have engaged in narcotic sales and find drugs and weapons at their homes. Many of the COMPAS level 4 parolees are people convicted of murder, homicide, robbery 1<sup>s</sup> to name a few. Due to the fact that the COMPAS tool weighs age as a strong factor that person will score low. So how does it make sense for a person who just served



30 years of his life behind bars to see a Parole Officer 2 times every four months.

PEF suggests that the COMPAS tool should either be eliminated or modified to an earn your way program and the staffing ratio of parolees to Parole Officer be re-examined. No Parole Officer can effectively supervise more than 60 parolees in the community. This would obviously result in the need for more Parole Officers to be hired, but I believe that the Communities Safety is well worth it.

Another reason for the possible increase in crimes in the community can be directly related to Parole Officers being directed to perform non-Parole Officers duties. About 6 years ago, Magnetometers (metal detectors) were installed into the field Community Supervision Offices. PEF agreed to "TEMPORARILY" help staff that position until a work force could be developed. The State created an ISO Grade 9 position to fill that position. DOCCS ran a training Academy and those items were filled. The problem is that DOCCS has failed to take into an account the staffing shortages when an ISO either quits or is fired. When that happens, DOCCS Managers have ordered Parole Officers to cover that vacancy. PEF Division 236 has argued unsuccessfully through Labor Management that utilizing Parole Officers to cover a Grade 9 ISO position was a waste of resources by limiting the Parole Officer's community contact.. DOCCS refused to pay overtime to cover the extra duty and directed the Parole Officer to run the Magnetometer. DOCCS Assistant Commissioner Martuscello informed us that he would not run a DOCCS Training Academy until there were 5 ISO Vacancies. This has led to Parole Officers working the Magnetometers for tens of thousands of hours instead of supervising parolees. PEF requests that Parole Officers be relieved of covering the Magnetometer shortages and be allowed to return to their normal duties and supervise New York State parolees.

Another problem leading to the increase of Parolees being involved in violence is the Parole Revocation process. Once a parolee is deemed to have violated his conditions of parole, a parole warrant can be issued. There are Parole Revocation Guidelines that direct the sanctions associated with the parolee's case. Category 1 Parole Violators can receive a minimum of 15 months incarceration. Category 2 violators are a Revoke and Restore to the WDTC (Willard Drug Treatment Campus), Category 3 violators are time served plus ninety days incarceration. An Administrative Law Judge can also find no violation to have occurred or Revoke and Restore the Parolee to the community. The problem that we witness in the community is the guidelines do not address parole violations. The Category 1 violators are now being considered to attend WDTC for ninety days instead of being incarcerated for 15 months. The DOCCS have developed Parole Diversion Programs that allows a Parolee who has been found in violation of his parole to go into a Diversion Program, Orleans Parole Diversion Program or Edgecombe Diversion Program in lieu of going through the violation process. Many of these Parolees come back onto parole in 45 days and start to violate the conditions all over again.

In the Rochester Area Office, the DOCCS is running a Pilot Program called RESET. The RESET program is intended to immediately address violations with the hope that it would deter future crimes. There have been conflicting studies stating that this either works or it has been removed from supervision at other jurisdictions. This once again is used to circumvent the Violation Process. Now a Parolee could spend 1 night in jail if he violates his parole, up to one week. Most parolees have been incarcerated many times in their lifetime and 1 to 5 nights in jail is not the answer. PEF requests that the use of Diversion programs be eliminated and that a new category for Parole Absconders be developed. Currently, if a parolee absconds from supervision, stops making office reports and changes his residence, they are treated just like any other parole violator. Sometimes, these parolees are on the run for months,

years, only to have his parole violation hearing and be sentenced to time served plus ninety days. PEF requests that a new category be written into law giving a parolee found guilty of absconding from supervision be returned back to DOCCS for a minimum of one year.

DOCCS Administration would like the public to believe the parole absconders are the reason for the spike in criminal behavior and they have conducted two warrant sweeps in the last two months. PEF was informed of the first warrant sweep during a Labor Management meeting in December 2015. They were told by DOCCS Deputy Commissioner Martuscello that the OSI (Office of Special Investigation) (formerly DOCCS IG), would be running and supervising the warrant sweeps. PEF questioned why OSI was running the warrant sweep and argued for many reasons why this was not in the best interest of the Parole Officers, the parolees and the community at large. DOCCS Deputy Commissioner Martuscello stated that this was a management decision and that was how it was going to be handled. Since the two warrant sweeps, public safety has been jeopardized and the community has been put in harms way. During the planning phases for each operation, investigators failed to include the Parole Officer of record in developing leads and getting crucial information on many of the target homes. The Parole Officer of record would have knowledge of pets, possible weapons and other potential threats associated with those targets. When the Rochester warrant sweep occurred in December 2015, DOCCS sent over 100 Officers, a majority of them from OSI and CERT to conduct the warrant sweep. These officers were shipped in from all over the state and worked from Sunday through Wednesday. During the warrant sweep, OSI Officers greeted the family members and associates who answered their door with a ballistic shield and many times with a firearm drawn. There were canine units at the door and OSI or CERT Officers with assault rifles. This tactical approach is in direct contradiction to the style of warrant attempts trained to Parole Officers. Parole Officers use their relationship developed with these family

members and their ability to talk to them to allow for Parole to search. This tactical approach freighted many citizens and lead to complaints. The Rochester Parole Office was directed to have that person call the OSI Office in Albany. How is a person supposed to have any recourse if he/she complains to the same body that caused the complaint? These OSI Investigators lack real life warrant experience and rely on classroom and simulation training. The OSI Officers also failed to provide in Rochester any notes to the Parole Officer in regards to what addresses were used, who they contacted and what additional information was gathered. The Rochester warrant sweep resulted in 13 parole absconders out of 36 taken into custody.

At what cost was that Warrant attempt done? The crucial relationship and trust developed over time between the Parole Officer and the community was severely damaged. Many times, the warrant teams went back to the same homes 4-6 times harassing those community members. When they introduced assault weapons, now the Parole Officer is viewed as a Law Enforcement Officer and his dual role as a Counselor has been diminished. Officer safety was put at high risk when the OSI failed to provide each team member with a radio and many team members were not able to communicate with one another. During the Rochester sweep, an OSI Officer was posting on Social Media about the sweep that put all members' lives into risk.

The fiscal cost of the Rochester sweep also raises concerns. The 100 DOCCS Officers worked 24 hours of regular time, 22 hours of overtime plus per diem and lodging. Using the average salary rate of \$40 an hour, the operation cost tax payers over \$250,000. That represents the cost per each absconder taken into custody of \$19,000.

The Brooklyn warrant sweep utilized approximately 120 DOCCS Officers that worked 40 regular hours, 34 over time hours, per diem and New York City Lodging costing around \$475,000. That warrant sweep worked along with New York City Detectives and NYS Police and

worked the most recent 200 absconder cases. Many of these cases had little or no prior casework due to 35 Parole Officer Items that were vacant.. That warrant sweep caught 59 out of 200 parole violators. The cost per absconder was\$8,000.

DOCCS has informed PEF that there will be warrant sweeps to come. If they continue to do these warrant sweeps monthly, at the current rate it would cost the State approximately \$4,350,000. There has to be a better way to do that job and prior to the merger with DOCCS there was a better way.

There are roughly 3,000 absconders in the State with the and the majority in New York City. Approximately 10 years ago, the New York City area had two JAWS Teams that consisted of 1 SPO and 6 PO's per team. They worked with the NYC Warrant squad closing parole warrants. Both of those JAWS teams have been eliminated and never back filled. Also, each of the four Bureau's in New York City had a warrant team consisting of 1 SPO and 6 Parole Officers. Today, three of those warrant teams have been eliminated and never back filled. There is also a US Marshall's team that works on warrants in NYC that has 1 SPO and 6 POs assigned to them.

PEF requests that instead of wasting \$4,350,000 on a temporary fix that those resources be used to fill the vacant 50 Absconder Search Parole Officer Items assigned to the Community Supervision Bureaus to address the absconder rate. Each office would have their own dedicated, Parole Officer that has a working knowledge of the community and resources available to him to apprehend these absconders in a quick and safe manner.

PEF also has several concerns with the use of OSI Investigators to conduct and supervise warrant attempts in the community. In December 2015, The Correctional Association of NY testified before the NYS Assembly Committee on Corrections and made several recommendations on prison reform. Some of those recommendations

included that DOCCS OSI should lose the ability to perform internal investigations and that ability should be outsourced to a separate agency. Both the testimony of the Correctional Association of NY and several articles from the Albany Times Union alluded to many problems with the Office of Special Investigation. A past director of operations for the DOCCS IG, now OSI was recently indicted and plead guilty to criminal charges involving his misconduct in the position. The State Inspectors General Office is currently investigating the Office of Special Investigations for misconduct that includes complaints of corruption, cover-ups, harassment, hostile work environment and nepotism that has plagued the Department. Acting Commissioner Annucci wrote an editorial for the Albany Times Union explaining the changes and the complete overhaul of OSI in the last two years. I believe that they are definitely moving in the right direction and I commend him for doing so. However, many complaints have been made of OSI in their handling of the Clinton Correctional escape. Many prisoners from Clinton Correctional Facility complained about OSI Investigators who beat them and tortured them for information on the escape. Many of these same OSI investigators are still working for OSI and now they are being sent into our communities to take over the Parole Warrants.

PEF urges this body to restore funding for the vacant Parole Absconder Warrant items and to have the DOCCS cease and desist the reckless and wasteful manner of sending OSI Investigators to do the Parole Officer's work. I have had many conversations with local Senators and Assemblymen in regards to tools much needed by Parole Officers in order for them to do their jobs in a safe, efficient manner.

In the last nine years since I have been involved as a union leader, transportation has been an ongoing problem. In December 2015, PEF requested data information regarding State vehicles assigned to Community Supervisions from DOCCS Labor Management. There were a total of 219 vehicles assigned to Community Supervision that included

27 new vehicles delivered that following week. Those 27 vehicles replaced 29 vehicles that were unsafe to operate. PEF argued that the current amount of vehicles was insufficient to handle the needs of Parole Officers. Many times, a Parole Officer would come into the office and a vehicle was unavailable because it was in for repair, another Parole Officer or Manager was using it or it was being used for a transport. This resulted in the Officer being stuck in the office or being forced to use their own vehicle. Many Officers do not feel safe using their own personal vehicles because they do not want the parolees to know what vehicle that they and their families use when they are off duty. Also, if the Parole Officer is involved in an accident, the State Comptroller's Office stated that the Parole Officer would not be covered by the State Insurance Fund. This system to reimburse the Parole Officer for mileage expenses used to conduct official duties is also broken. Prior to the merger, a Parole Officer who chose to use his own car would be reimbursed within 2 weeks. Currently, reimbursement takes 4 months, which is approximately \$3,000 to \$5,000 out of pocket expenses. PEF requested that the Community Supervision fleet be increased and Deputy Commissioner Martuscello stated that this was not something that he could not accommodate in the current budget. PEF also brought to the attention of DOCCS DC Martuscello that the NYS POLICE brought up to their administration that their State Police Cars with over 125,000 miles on them were unsafe to operate and requested to have them replaced once they hit 125,000 miles. PEF asked if DOCCS would consider the same plan for the Community Supervision fleet and DC Martuscello stated that this was not fiscally possible. He stated that Parole Officers have historically used their own cars when necessary and this is something that could not be changed overnight. Unfortunately we live in more dangerous times and past practice is irrelevant. I mentioned before that the Community Supervision fleet is 219 vehicles. There are 7 vehicles assigned to Administrators leaving 212. Twenty-eight of the 212 vehicles are assigned to the Bureau of Special Services

and those Parole Officers do not directly supervise parolees. This leaves Community Supervision Parole Officers with approximately 184 vehicles to supervise 36,000 parolees. Nineteen vehicles have between 100,000 to 125,000 miles on them, 18 vehicles have between 125-150,000 miles on them, 19 have between 150-175,000 miles on them, 12 have between 175-200,000 miles on them, and 7 have over 200,000. As you can see, many of these vehicles are well past their life expectancy and no longer safe to operate. Many of these high mileage vehicles are constantly in and out of repair shops. Some of these vehicles have cost the over \$40,000 to repair. The State can purchase a new Chevy Impala on the State Rate for approximately \$15,000. When a vehicle is surplus, DOCCS have come up with the strategy of going to auctions and looking at used vehicles that other State agencies have disposed of as a way of replacing our vehicles. PEF requests that the fiscal budget for DOCCS Community Supervision be increased for the purchase of 150 additional vehicles assigned to Community Supervision. These new vehicles would replace the 57 vehicles that are over 125,000 miles and increase the working total number of Community Supervision vehicles to 325 for their fleet. DOCCS should maintain the 325 numbers of vehicles assigned to Community Supervision and adjust accordingly to the number of parolees on supervision. I will leave you with a very serious situation that occurred about one month ago when 2 Parole Officers were driving one of these unsafe vehicles that had 180,000 miles on it. Those Officers smelled something smoking and once they got out of the vehicle it became fully engulfed in flames. The officers could have been seriously injured or killed. Please dedicate the necessary resources to our Parole Officers so that they and the Community can be safe.

Thank you.



Good afternoon distinguished committee members – thank you for your time and for allowing me this opportunity to speak with you on behalf of the more than 3,500 PEF-represented members employed by the Office of Information Technology Services (OITS); the people who provide critical IT services to the State agencies and to the citizens of New York State.

My name is Penny Howansky. I am a PEF Council leader and a Manager of Information Technology Specialist 1 for the New York State Office of Information Technology Services. I have worked to serve the agencies and citizens of New York State for 32 years. I am here today to speak to you about our grave concerns regarding what appears to be an ongoing effort by OITS to further privatize the functions of the State workforce, and especially of the critical front-line services and functions currently performed by PEF members, such as the IT Help Desk.

First, I would like to provide some context for the current situation:

Several years ago, New York State spent millions of taxpayer dollars on a private consulting firm to provide a workable business strategy to modernize the IT landscape of New York State. Out of this, a recommendation was made to create the Office of Information Technology Services, or OITS.

OITS represented a large-scale effort to consolidate IT services and to ultimately save the State, and taxpayers by extension, a great deal of money. Throughout the establishment of OITS as well as the related IT Transformation, the State maintained that one of the primary benefits of centralized services would be a reduction in the State's reliance on consultants and contracted services.

However, what we see is quite the opposite. OITS' reliance on outside consultants and contracts for services which it should be providing in-house are growing exponentially. This is not because of a long-term or well-thought-out strategic plan. Rather, the dramatic increase of

consultants is the result of mismanagement and it runs contrary to the stated objectives from the time when OITS was created just a few short years ago.

Over the past two years, OITS has *decreased* the number of Full Time Equivalents, or FTEs – hardworking public servants and New York State citizens like yourselves - from 3,819 FTEs in 2014 to a projected 3,585 FTEs in 2016. In other words, we have seen a *reduction* of about 6% of the *State* workforce – not of consultants. During the same period, the number of consultant staff OITS employs has risen from 164 in 2014 to a projected 849 in 2016. Far from a reduction on consultants, this represents an *increase* of 517%.

It is important to understand that we are not comparing apples to apples when we talk about the cost of FTE State employees versus consultants. Even accounting for State employee benefits, consultant staff cost on average 60% more than their State equivalents.

OITS expects that these costs will simply be absorbed by NYS taxpayers – your constituents – because a State agency cannot go out of business. However, it is equally important to understand that for this dramatic increase in spending, we have not seen an increased *value* in the level of service that OITS can provide the taxpayers.

Prior to the centralization of IT services, State agencies had their own in-house IT Departments, agencies were satisfied with the service level and quality of the services that the IT staff under their control were able to provide. Now, we hear horror stories about the mismanagement of these resources under OITS and the decrease in the quality and service levels that the State is able to deliver to its customers. These complaints come both from rank and file staff and leadership at State agencies.

I want to speak about help desk services as a primary example. The Help Desk is one of OITS' most essential functions. The Help Desk provides IT support services to the thousands of staff at New York State

agencies who may be experiencing problems with their computers and technology equipment.

OITS, in centralizing IT functions, has removed knowledgeable and experienced IT Help Desk or “Break / Fix” staff located at the State agencies they serve and has failed to redeploy trained staff to replace them.

OITS mismanagement has created barriers to the success of Help Desk and Break/Fix functions – such as failing to ensure that IT staff servicing the various State agencies’ technology systems have access to those systems and the appropriate networks required to do their jobs. So, for example, an OITS employee charged with providing support to DOT employees often does not even have the necessary access to DOT’s network and systems and has to delay work while obtaining such access.

Tasks which used to take ten minutes can now take weeks to complete due to the increased bureaucracy and convoluted ticketing system which OITS has implemented. Help Desk employees are routinely denied access to the systems of different State agencies, eliminating their ability to provide adequate levels of service.

In some cases, they are denied access to the basic resources necessary to do their jobs. For instance, OITS employees who use vehicles owned by the Department of Transportation are told that they can only go to DOT offices, and *cannot* provide service to any other agency while riding in a DOT vehicle, even though their job requires that they provide support to many different agencies. This is not what a consolidation of resources is supposed to entail. These are resources which are owned by New York State and which should be shared by all State agencies in order to ensure the proper function of government. These barriers and silos make no sense, and they cost the taxpayers money while reducing the services they receive.

We hear about the need to bring in “skills” that don’t exist in the State workforce. This is often associated with OITS’ purchase of proprietary software requiring specific skills. With appropriate planning and an investment in training State staff, OITS would not be in the position of needing to outsource. Even more troubling is that we have learned that OITS management has trained consultants to gain the skills they were supposed to have when they walked in the door.

We had a system that worked, and it has been broken. It was broken after implementing a plan that cost millions of dollars to create, and it has been broken by OITS’ own mismanagement. I ask you: how is it possible that an agency created to provide “best in class” technology services are unable to provide basic in-house help desk functions?

I want to reiterate that the goal of the IT Transformation was to reduce the State’s reliance on consultants by employing a highly-skilled in-sourced and talented NYS workforce. Now, OITS is trying to outsource these jobs to other states – potentially to other countries.

The RFP for the Help Desk function does not require that the contractor’s employees be located in New York State. At a time when the State is spending millions of dollars to create “tax free zones” as a way of creating jobs– what possible justification could there be to send these jobs to other States or overseas? At a time when thousands of our recent college graduates are struggling with student debt and high unemployment – what possible justification could there be to take these jobs away from them?

And the RFP for Help Desk is only one example of the kinds of problems that outsourcing our NYS workers can bring to service delivery. Outsourcing is a bigger problem than just this RFP. As you probably know, because of the huge expense of contractors, the City of New York and other public sector entities are now in the process of insourcing an increasing volume of IT work. New York State government should not be on the wrong end of this trend. The answer is

insourcing, not outsourcing. The budget proposals before you dramatically continue the trend of decreasing the OITS workforce and increasing the consultant workforce. Outsourcing is not good for workers or taxpayers.

These are our jobs, our livelihoods, and our futures. These types of jobs are the cornerstones of the communities you represent. And we believe, as we hope you do too, that OITS should not be allowed to contract out for services to cover their mistakes and poor management or their desire to bypass the Civil Service merit and fitness system. The answer is to invest in our people, our citizens, and our communities – to utilize our current State employees and to hire additional employees when needed, not contractors, and to deploy them appropriately with the training and resources necessary for their success.

Thank you very much for your time.

