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

JOINT LEGISLATIVE HEARING

In the Matter of the
2022-2023 EXECUTIVE BUDGET ON
WORKFORCE DEVELOPMENT

Virtual Hearing
Conducted Online via Zoom

January 31, 2022
11:02 a.m.

PRESIDING:

Senator Liz Krueger
Chair, Senate Finance Committee

Assemblywoman Helene E. Weinstein
Chair, Assembly Ways & Means Committee

PRESENT:

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

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

Senator Jessica Ramos
Chair, Senate Committee on Labor

Assemblywoman Latoya Joyner
Chair, Assembly Committee on Labor

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

2022-2023 Executive Budget
Workforce Development
1-31-22

PRESENT: (Continued)

Assemblyman Peter J. Abbate, Jr.
Chair, Assembly Committee on
Governmental Employees

Senator Pete Harckham

Senator Brad Hoylman

Senator Roxanne J. Persaud

Assemblyman Phil Steck

Senator Diane J. Savino

Assemblyman Joe DeStefano

Senator George Borrello

Assemblywoman Judy Griffin

Senator Shelley Mayer

Assemblyman Harry Bronson

Senator John C. Liu

Assemblywoman Jo Anne Simon

Senator John W. Mannion

Assemblyman Colin Schmitt

Senator Mario R. Mattera

Assemblyman Erik M. Dilan

Senator James Tedisco

Assemblyman Jonathan G. Jacobson

Senator Andrew Gounardes

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PRESENT: (Continued)

Senator Anna M. Kaplan

Assemblywoman Alicia Hyndman

Senator Patrick M. Gallivan

Assemblyman Jeffrion L. Aubry

Senator Leroy Comrie

Assemblywoman Karines Reyes

Senator Sue Serino

Assemblywoman Vivian E. Cook

Senator Sean M. Ryan

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CHAIRWOMAN KRUEGER: Good morning, everyone. It is Monday, January 31st, at 11 a.m., and I am State Senator Liz Krueger, the chair of the Finance Committee, joined by Helene Weinstein, the chair of the Assembly Ways and Means Committee, to roll out the first of a long week of budget hearings.

This is the budget hearing on workforce issues.

And I am going to just start us off with an opening statement, then we'll introduce legislators and then we'll roll into today's first testifier.

Again, as I said, today is the third -- oh, I didn't say it yet. Today is the third of 13 hearings conducted by the joint fiscal committees of the Legislature regarding the Governor's proposed budget for the state fiscal year '22-'23. These hearings are conducted pursuant to the New York State Constitution and Legislative Law.

Today the Senate Finance Committee and the Assembly Ways and Means Committee will

hear testimony concerning the Governor's proposed budget for the New York State Department of Labor, the New York State Department of Civil Service, and the New York State Governor's Office of Employee Relations.

Following each testimony there will be some time for questions from the relevant chairs and rankers of the fiscal committees and other related committees and the legislators therein.

I will now introduce members from the Senate. Assemblymember and Chair Helene Weinstein, chair of Assembly Ways and Means, will introduce members from the Assembly.

In addition, I will have Senator Tom O'Mara, ranking member of the Senate Finance Committee, introduce members of his conference, and Helene will do the same with the Assembly.

And looking at the list so far of people who have joined us, we have Senator John Mannion, Senator Andrew Gounardes, Senator Anna Kaplan, Senator Diane Savino,

Senator Pete Harckham, Senator Robert Jackson.

And is my ranker already here, Tom O'Mara?

SENATOR RAMOS: Chair, I'm here too.

CHAIRWOMAN KRUEGER: Oh, I'm sorry, Jessica, I didn't see you on the list. I apologize.

Senator Jessica Ramos. And I don't see Tom yet, so let me just quickly introduce Senator Jim Tedisco, Senator Patrick Gallivan. I think I've covered -- ah, Senator -- no, that's the Assemblymember Steck. We have a Stec(k) in each house.

I think I'm going to hand it over to Assemblywoman Weinstein.

CHAIRWOMAN WEINSTEIN: Thank you.

So we have with us Assemblywoman Latoya Joyner, our Labor chair; Assemblymember Peter Abbate, our Government Employees chair; Assemblyman Bronson; Assemblyman Dilan; and Assemblyman Steck.

Assemblyman Ra, our ranker on Ways and Means, can introduce his colleague who is

here.

ASSEMBLYMAN RA: Thank you, Chair.

We are currently joined by Assemblyman Joe DeStefano, who is the ranking member on the Government Employees Committee.

CHAIRWOMAN KRUEGER: And don't worry, as more members join during the course of the hearing, we will introduce them.

I would like to now turn it over to Commissioner of the Department of Labor Roberta Reardon. And Commissioner Reardon has been us with us multiple years, so she knows the drill. You have up to 10 minutes to present the highlights of your testimony. All members of the Legislature have access to the testimony to read along with, as do all members of the public.

So good morning, Commissioner Reardon.

COMMISSIONER REARDON: Good morning.

Chairs Senator Krueger and Weinstein, distinguished members of the committee, thank you for this opportunity to talk about some of the progressive proposals that Governor Hochul included in her Executive Budget, as

well as to provide you with an update on our efforts at the Department of Labor.

My name is Roberta Reardon, and I am the Commissioner of the New York State Department of Labor. Our mission is to protect workers, provide support to the unemployed, and help New Yorkers find a career they love. We also support businesses across the state, which is needed as we continue to navigate COVID-19.

The pandemic continues to present challenges, but as New Yorkers we continue to face and overcome them. Thanks to the leadership of Governor Hochul, and with the partnership of the Legislature, the Department of Labor continues to evolve to better suit the needs of all New Yorkers. We are laser-focused on preparing New Yorkers to assume their rightful place in the economy of tomorrow.

The DOL continues to prioritize assisting unemployed New Yorkers. Since the start of the pandemic, we have delivered around $104 billion in benefits to

4.8 million New Yorkers, to help them feed their families, pay their rent, and give people support when they needed it most because they could not work -- this, while also standing up six programs. We also launched a new unemployment application, expanded phone lines to handle unprecedented volume, and continue to fight fraud by international cybercriminals.

We remain focused on keeping our systems secure, even though Unemployment Insurance assistance numbers have improved. I applaud our Office of Special Investigations for their incredible work during this crisis. They have prevented over $36 billion from falling into the hands of criminals, and that number continues to grow everyday thanks to their vigilance.

At the same time, worker protection remains another one of our top priorities. Our labor standards and worker protection teams remain vigilant in ensuring the safety and health of all workers. We continue to safeguard workers from disease by mandating

workplace health precautions. Since the beginning of the pandemic, we have investigated over 53,000 complaints and work with local governments to ensure compliance, while also protecting workers from wage theft.

In 2021, we launched the Excluded Workers Fund, an innovative assistance program devoted to helping those outside traditional unemployment assistance programs. We helped get over $2 billion into the hands of over 120,000 New Yorkers in just three months.

The DOL is also currently wrapping up distributing support payments to thousands of workers in the hard-hit tourism industry.

The pandemic provided many New Yorkers a unique opportunity: a moment to reevaluate their lives and, in many cases, pursue new careers that better suited the needs of themselves and their families. The DOL recognized this and continues to explore innovative ways to help those New Yorkers develop the skills they need to secure the

jobs of the future.

We embraced virtual technology and now provide free tools online to job seekers. More than 63,000 New Yorkers have logged nearly 700,000 hours of online skill learning via Coursera, which we provide for free. These courses are geared toward high-demand skills based on what businesses tell us they need.

Partnerships continue to be an essential part of our approach for enhancing training opportunities for New Yorkers. Through New York State's Workforce Development Initiative, the DOL is working with Empire State Development Corporation, SUNY, and CUNY to support job training that will establish a pipeline of skilled workers. The DOL also stands ready to work with the new Office of Workforce and Economic Development, the Regional Economic Development Councils, and other partners to strategically connect skilled workers to jobs in every region of the state.

Long-term solutions that benefit

workers and businesses will be an important chapter in New York's economic comeback story.

A very successful initiative in our multipronged approach in terms of workforce development is registered apprenticeships. This long-term solution to get New Yorkers into high-paying, in-demand careers is proving to be a win for both job seekers and businesses. Registered apprenticeships give New Yorkers the skills they need to thrive within an industry while also providing businesses with a skilled workforce catered to a company's needs.

There are around 18,000 apprentices participating in nearly 1,000 registered apprenticeship programs in our state, and we continue to expand into additional platforms.

This pandemic highlighted vulnerabilities in some sectors, and Governor Hochul is addressing them. In her budget she outlined her historic $10 billion plan to rapidly rebuild and grow our healthcare workforce by 20 percent. Healthcare workers

are the heroes of this pandemic, and we must add more support to turn the corner on COVID-19.

The pandemic also highlighted the import role childcare has in the lives of our workforce. As cochair of the Governor's Child Care Availability Task Force, I can tell you that affordable childcare is essential. Governor Hochul's plan to expand childcare access will help strengthen this critical support for families.

While we continue to navigate COVID-19, we must not lose sight of what's on our horizon. The Governor's proposed investment in offshore wind will create thousands of new jobs, and as cochair of the Just Transition Working Group, it is my duty to ensure that every community has a seat at the table as we expand our clean-energy sector.

Small businesses also remain a vital part of our economy, and these community cornerstones must be protected through Governor Hochul's proposed tax credits and

funding supports. The Department of Labor also offers support services for businesses of all sizes.

2021 continued to test all New York State agencies, including the Department of Labor. But together we rose above, persevered, and continue to pioneer forward. We are prepared for what comes after COVID-19, and we want to ensure that all New Yorkers are ready to participate, succeed and thrive in the economy of tomorrow.

(Pause.)

CHAIRWOMAN KRUEGER: Thank you, Commissioner. I thought that was done; I wanted to make sure you didn't have a new sentence.

Our first questioner for you this morning will be Senator Jessica Ramos, who is the chair of our Labor Committee.

Good morning, Senator.

SENATOR RAMOS: Ah, good morning, Senator. Good morning, Chair. Good morning, Everybody.

I'm really excited to see you, even if

it's virtually, Commissioner Reardon. I never thought I'd miss you, but I do.

(Laughter.)

SENATOR RAMOS: And I'm really glad that we're having these conversations today. This morning I want to start by thanking you for the role that you've played on the Farmworkers Wage Board. Huge victory in recognizing the humanity of those workers and making sure that we have a plan to get to 40 hours as a threshold for overtime. So kudos to you.

I'm going to start my questions today with Unemployment Insurance, since it was such a hot topic during the pandemic. You know, we saw the DOL pay out federal benefits to individuals who were technically ineligible but didn't do anything wrong, didn't lie on their applications for benefits. The DOL is now asking for these funds back, even though the federal government is paying to waive these back payments owed, costing New York nothing.

When will New York process waiver

applications?

COMMISSIONER REARDON: So we are in the process this quarter of rolling out the waiver process. I want to point out that a lot of states have really struggled with getting the waivers out. It's very complicated, and it's an IT solution. Like much of our technology these days, it's complicated. But we are in the process right now of being able to roll them out.

I can appreciate the position that this puts people in, and we certainly don't want to cause them any more alarm than the pandemic has already caused them. But the waiver process is getting ready to go out, and we expect hopefully -- fingers crossed -- no problems in the applications coming in. It will be a pretty automated process, and people should be able to just send back the information and we can process it that way. It's --

SENATOR RAMOS: And when will that be? When?

COMMISSIONER REARDON: We're getting

ready to roll it out now. It's the first quarter, so probably February -- it's going to be done in chunks, not all at once, because we can't send that many out in one bundle.

But they're coming, and people should be able to fill out their waivers and get them back to us.

SENATOR RAMOS: All right. Something tells me we're going to keep working on this one together as that rollout happens.

What efforts has the DOL made to ensure New Yorkers know their rights and ability to receive UI if they refuse to work in unsafe conditions?

COMMISSIONER REARDON: So that's an interesting question. You have the right, under the COVID precautions, to deny -- if you don't want to work in an unsafe condition, you can let us know that and then we can process your claim.

As you know, you can't walk off the job and be eligible for unemployment. But this is not walking off the job, this is

because you have a serious complaint about your safety and health, and that's in the regulations.

SENATOR RAMOS: Well, there used to be misleading instructions about this on the DOL website. Have those been replaced? Or if not, when will they be clarified on the website?

COMMISSIONER REARDON: I'm not sure what you're referring to. Let me find out and I can get back to you. I know that we've been changing the --

SENATOR RAMOS: Well, because on the website there is mention of the right to refuse unsafe working conditions, but we just feel that there's been minimal outreach done and the instructions that have been on the website aren't helpful. So if you have --

COMMISSIONER REARDON: We'll take a look at them.

SENATOR RAMOS: Please do.

COMMISSIONER REARDON: It's always evolving.

SENATOR RAMOS: Thanks. I want to

move on to the new verification system. We've received complaints about it. It's called ID.me, for those who might not be familiar. The rollout of ID.me we believe imposes barriers to protected groups of claimants, including and especially those with limited English proficiency, claimants with disabilities, older New Yorkers or individuals who experience challenges with technology or literacy.

Will the DOL commit to immediately creating meaningful alternatives to ID.me?

COMMISSIONER REARDON: We are in conversations with UI advocates as we speak on these issues. They certainly have raised them, and we're very concerned to make sure everybody has appropriate access.

We do have access -- other ways of accessing in place, but if they're not enough we will look at improving them.

Obviously, this is -- you know, we paid out over $104 billion to almost 5 million New Yorkers. And when you have that amount of money going out, of course you

end up with cybercriminals coming after that money as well. And we had to find a way to ensure that the right people were getting their benefits.

The worst thing that can happen, for me, is that somebody's benefit is stolen by somebody else. And that's why we've had to set up ID.me. This is a technology that's used by the federal government, it's used by many, many states. We have to have some way to guarantee that the rightful recipient is actually applying for this benefit.

That said --

SENATOR RAMOS: Are you going to provide written notifications and will language access be available for --

COMMISSIONER REARDON: Language access is always available. I mean, that's one of our mandates. And we also have a trusted referee. If somebody's having difficulty, they can actually talk to a human about, you know, these issues. ID.me provides that service.

But we continue to look at this issue

and work with our various stakeholders to make sure that nobody is unnecessarily burdened with proving their identity.

That said, the cybercriminality in this area is overwhelming. And unfortunately, we live in a world today where we all have to verify ourselves in a way we never did before.

SENATOR RAMOS: So speaking of technology, I want to move on to the DOL computer system. You might remember at the last hearing last year, I brought to your attention that many of my constituents -- and I think everybody's constituents -- struggled to receive UI in a timely manner during the pandemic.

You assured us that the DOL would be improving technology in various ways, and at one point we even heard from the former Governor that Google would play a role. And yet in 2022 we're still hearing the same complaints, in addition to new complaints, about the DOL complaint system.

So what strides are being taken now to

bring technology into the situation?

COMMISSIONER REARDON: We have been able to do an amazing amount of building the plane while flying. We had to make sure that we could process claims as they came in while we were upgrading the system, and that was certainly not an easy task to do.

And we're not done. I mean, we know that this is an ongoing quest. The whole UI rebuild will be done, you know, in another year or so. But during the pandemic, we rebuilt the interface. There is a new Google application that went up that was mobile-friendly so that people could use the technology that they had, which is the way people communicate these days.

We have bots that work behind the scenes that get a lot of the information that our telephone center operators need. We have a dashboard that gives the information for the operator right in front of them, they don't have to go through multiple screens. There's all kinds of technology like this.

And we are constantly updating. We

have a chatbot on the website now that we call Perkins, in honor of Frances Perkins, who started the UI system almost a hundred years ago, and you can go in and talk to the chatbot. It talks in I think 12 different languages. And it gives you general information. We are constantly working to refine the chatbot and make it more interactive individually. Those are all things that are yet to come.

But we want to make sure that we meet people where they are. One of the things we learned through the pandemic is --

SENATOR RAMOS: Sorry, Commissioner, to cut you off, but I only have a little more than two minutes and I'm going to squeeze one more in there, and that is my last question on UI.

Also last year I made you aware that there are thousands of UI claimants that have more improperly put into the PUA when they are actually eligible for unemployment insurance, and they're in that way losing up to 13 weeks of benefits. In response, you

told me last year that claimants have the opportunity to dispute or request a hearing.

Do you know how many New Yorkers have filed claims related to improperly being put into PUA? How many of those claims have been resolved? And what kind of outreach is being done by the DOL since I brought this issue to your attention?

COMMISSIONER REARDON: So when somebody receives their letter of determination, in the letter itself it says if you disagree with these findings, this is the process to file a dispute.

So everybody receives that before they actually begin to get their first benefit. And that is a constant. We have information all over the website about it. We work with, as I said before, the UI advocates to make sure that pockets of people who may not have as much access also have information.

I don't know how many people have filed to change their determination from PUA to straight-up UI. I can find that out for you. But, you know, the information is out.

We do a tremendous amount of messaging. I have to say we send out -- I think last week we sent out over 3 million emails and over 2 million text messages. Not just for UI, but for lots of other programs. We are constantly messaging with our customers.

SENATOR RAMOS: Okay. Well, thank you. I'm going to stop right there. And Chair Krueger, I'll sign up for a second round, please. Thank you so much.

CHAIRWOMAN KRUEGER: Thank you.

And for everybody, just a reminder. Only the chair of the relevant committee gets a second round, and it's only three minutes. So prepare now, Jessica, for a speed lightning round perhaps quite a while from now.

And again, everyone else -- chairs of relevant committees get 10 minutes, rankers get five minutes, everybody else gets three minutes.

Helene Weinstein.

CHAIRWOMAN WEINSTEIN: Thank you, Senator Krueger.

While the commissioner was speaking, we have been joined by Assemblyman Jacobson, Assemblywoman Simon, Assemblywoman Griffin, and Assemblyman Schmitt.

We go to our Labor chair, Latoya Joyner, 10 minutes.

ASSEMBLYWOMAN JOYNER: Thank you so much.

Good morning, Commissioner. Good to see you.

COMMISSIONER REARDON: Good morning.

ASSEMBLYWOMAN JOYNER: I'm going to start the questions off on the Unemployment Insurance.

So we're all aware of this $10 billion debt that we owe back to the federal government. What's the expected timeline to repay this debt?

COMMISSIONER REARDON: So it's 9.5 billion. I know it's not -- half a billion makes a difference.

We are working very closely with our partners in government to find ways to help out on this debt. One of the things that

we're doing -- we are one of eight states that filed a letter with Janet Yellin to see if the Treasury Department could take up our cause and forgive at least some of this debt.

Forty-five percent of the states in this country owe money to the federal government because of the pandemic, and New York is one of them. We don't have the highest debt, thank God, but we certainly don't have the lowest. And it is a constant cause of consternation for all of us.

There are timelines within the regulations that spell out how this gets repaid. I don't have it right in front of me, but it's in the regulation.

ASSEMBLYWOMAN JOYNER: And if you could share that with us, that would be appreciated.

Okay, and then what are some -- just also while you're answering that, so what are some steps the Executive is also taking to make sure we're meeting our repayment obligations while also balancing the cost to employers? It's a connected question.

COMMISSIONER REARDON: Right. So, you know, we've had a lot of conversations of different ways to do this. We've not settled on one of them yet.

The good news in all of this is that last year my commissioner's order stopped the experience rating for all employers. So for all of last year, you didn't get a ding every time one of your employees went on unemployment, because frankly many people had all their employees on unemployment. So there was no additional burden from that year of the pandemic.

Starting this year, the experience rating will go in again but the effect of that will not be felt in the bill until next year. And similarly, the rate for unemployment insurance this year went up a bit because of UI reform -- it mandates that -- but it doesn't reflect the larger increase of paying back the fund until next year. So we have a little bit of breathing time.

We are looking at all solutions.

Frankly, I do believe that the federal government needs to play an important role here. These people, these men and women were put on unemployment through no fault of their own. Their employers had no ability to keep them employed. So, you know, this was a, hopefully, once-in-a-lifetime experience --

ASSEMBLYWOMAN JOYNER: Okay. Sorry to interrupt. Just trying to get all these questions out in 10 minutes.

Do you know what's the average rate increase on employers, UI rates, that were assessed last year? And should employers expect a significant increase this year?

COMMISSIONER REARDON: So the rate for this year is higher. I don't have the percentage. I can get it for you. It's not huge.

The larger increase for people who have a higher experience rating this year means that they -- meaning that they have employees that go on unemployment, that won't be felt until next year. And in fact they may actually see a decrease in their rate for

that reason.

ASSEMBLYWOMAN JOYNER: Okay. And the next question is also related to UI. What should employers expect to see in regards to their FUTA credit and a potential decrease, since we will be paying off this UI deficit for a number of years?

COMMISSIONER REARDON: So in the last recession in 2009 it took I think about 10 years to pay it back fully. It's a little bit less than that.

So this is a larger date, so it will be a longer period of time. But it depends on the calculation. I don't want to give you a hard number because I don't have it in front of me, I'd rather give it -- I can give it to you in writing. But it's -- you know, there's a formula for this that actually was part of UI reform that the Legislature passed after the last recession. That reform actually strengthened the UI Trust Fund and allowed us to rate the benefit. So that's the formula that will be applied to this.

ASSEMBLYWOMAN JOYNER: Okay. So the

budget also proposes this interest assessment account, the Executive will put in 250 million into this account to help pay back interest payments accrued by the state borrowing funds for UI over the course of the pandemic.

What's the cost to employers who will be paying back on this interest? How much will employers be paying on top of their typical rates? And then are the payments going to be assessed quarterly or annually?

COMMISSIONER REARDON: The payments are usually assessed annually, but I don't want to misspeak here. I don't know what the actual percentage is. And again, I think it depends on what happens with the balance of the trust fund.

ASSEMBLYWOMAN JOYNER: Okay, thank you.

Last year the Executive Budget proposed the $50 million for a COVID-19 Recovery Workforce Initiative. Can you talk a little bit about this? How has the money been used, has it been released, what

purposes? How can we actually see the results of this?

COMMISSIONER REARDON: So a large part of it, over $30 million of it, went to the gun prevention programs that we invested in last summer. And these were statewide. This was a program to help very high risk youth -- bring them in, give them training, get them into good jobs.

This is happening across the state. Outside of New York City it's being administered through the local Workforce Development Boards, and in the city it's being administered by the Consortium for Worker Education.

They are in the process of doing this now. They have some number of people who are in jobs. Many of them are in training -- they get assessed, then training, and then jobs. This is a year-long process, so they have until, I believe, June, the end of June to finish this part of the program.

The other part of that money was used for the scholarship program for people in

healthcare. It's a very innovative idea from Governor Hochul. We need to increase the people in healthcare and advance their education. So there are a thousand scholarships available to SUNY and CUNY for people in healthcare who want to go ahead and get a further degree to support them in becoming a more certified healthcare worker.

And that is, I believe, a lottery system. So if you know somebody in the healthcare industry who wants to up-skill, tell them to apply right now, because that lottery is open. And these are scholarships to pay for these two -- it's a bachelor's and I can't think of the other one, in I believe nursing, so that they can increase their proficiency in the field. It's really important.

ASSEMBLYWOMAN JOYNER: Okay. And can we talk a little bit about the Excluded Worker Program? Can you talk about the implementation of the program, what fraud prevention measures were taken.

And then we are hearing stories of

recipients who reported that their funds were stolen through fraudulent withdrawals and purchases. Can you speak about the steps the agency has done to address these types of issues?

COMMISSIONER REARDON: Right. So we are very proud of what we did for EWF. We literally had to develop an entire delivery system from the ground up. We could not use any of our federal resources. And it was a very intense time. But we used three vendors, who worked very closely with us and developed a system to process these applications and get the money out.

Built into the system was a lot of fraud detection. There are a lot of cross-checking, making sure that, you know, the person was the person that they said they were. It worked very efficiently, and we were able to keep a lot of fraud out of the system with a high success rate.

Unfortunately, there was a pretty large number of incidents where people put skimmer cameras in ATMs -- because you could

take out the money through an ATM in cash, or you could use it at a merchant. To take it out of an ATM, you had to use a pin. So they put in a camera to record the person's pin, and then they went in and skimmed off the card.

When we found out about it, we immediately went to the -- to law enforcement, we went to Blackhawk, which was the card provider, and we worked with them very closely. And one of the things we had to do was shut off the ability to use an ATM to take out cash. It was the only way we could protect this community.

Now, these skimmers would have skimmed from anybody who used the ATM, but they were set up in neighborhoods where they knew that there were large populations of people who were receiving EWF. It was pretty cold-blooded.

We are working very closely with Blackhawk and with law enforcement to make these people whole. And, you know, anybody who thinks that they have lost because of

fraudulent use needs to contact us and let us know.

ASSEMBLYWOMAN JOYNER: Okay. My last couple of questions are regarding Article VII language that's also in the budget. There's language about noncompete agreements for employees. Can you talk a little bit about why this was included? This has never been proposed before.

COMMISSIONER REARDON: So this is something that we've worked on for a number of years, and for a variety of reasons it didn't reach the top of the pile.

Noncompete agreements are really damaging to workers because -- originally, noncompete agreements were for people who worked in pretty highly paid positions and they had access to internal information that would have been damaging if they could take that information from -- the recipe for Coca-Cola. If you could take that to Pepsi, that would be a trade secret, and they didn't want you to be able to go to a competitive employer for a period of time.

Unfortunately, noncompete now is used for low-wage workers. We hear of people working in pizza stores, in bakeries, in florists. And it says that you can't take the skill that you've learned in that shop and go to work for a competitor. That's crazy. They don't have any trade secrets. It's simply a way of controlling the employee.

And the secret to noncompetes is that for high earners, they're pretty unenforceable, but for low-wage earners they can't afford to go to court, hire a lawyer and fight it. So it really depresses their ability to go out and find a better job with the skill set that they have. And that's why we put it in there.

CHAIRWOMAN KRUEGER: Thank you.

ASSEMBLYWOMAN JOYNER: Thank you.

CHAIRWOMAN KRUEGER: Madam Chair, I'm sorry, you've used up your time. Thank you.

Before I go on, I just want to read off some of the additional Senators who have joined us and then give Helene a chance to do

so.

We have Senator Tom O'Mara, the ranker on Finance; Senator Sean Ryan -- I'm not sure whether I got him earlier -- Senator George Borrello, Senator Brad Hoylman, Senator Edward Rath, Senator Robert Jackson, Senator John Liu, Senator Mario Mattera, Senator Roxanne Persaud, Senator Leroy Comrie. I think I've gotten everybody so far.

Helene, do you have any more to add before I call the next Senator?

CHAIRWOMAN WEINSTEIN: No, we are up-to-date as of now. So we'll turn it back to the Senate for questions.

CHAIRWOMAN KRUEGER: Thank you.

Our next questioner is Senator Patrick Gallivan, the ranker on the Labor Committee.

SENATOR GALLIVAN: Thank you, Madam Chair. And Commissioner, I apologize that you're seeing my photo as opposed to my face; we had some technical problems this morning.

I have questions in two particular areas. The first one will continue regarding

Unemployment Insurance. So we know the frustration that thousands of New Yorkers experienced in reaching out to the Labor Department over the past couple of years, and as a result they reach out to the legislative offices. And a number of my colleagues have expressed the same frustration with the timeliness of responses from Labor Department recipients when they're making calls on behalf of constituents.

And I do know that some of it, of course, had to do with the filling of positions. And I'm just wondering if you're able to comment at all about prioritizing contact and communication to the legislative offices.

COMMISSIONER REARDON: Thank you for that question. And we are always, you know, ready, willing and able to assist our legislative colleagues on issues and try to be as responsive as possible.

Of course you realize that it's the same -- these are the same people who are also handling the regular benefits

distribution. That said, we are trying -- we try to be on top of it as much as possible.

One thing I want to point out here, which is different than any other time that I know of in unemployment -- so during the pandemic we set up six different programs, and PUA, Pandemic Unemployment Assistance, was one of them. And this involved over 1.5 million New Yorkers who otherwise would never have been eligible for UI. They had no experience with the system. And once their benefits ended in September, if they hadn't gone off them before -- all the federal benefits ended in September. Some of them began calling us again towards the end of the year because they were again unemployed and they wanted another benefit. We would explain to them -- they get a letter of determination, and it said you are ineligible for this reason.

What has happened is a lot of people don't understand that UI is an insurance system, and in order to be eligible you have to have earnings in at least five quarters --

well, at least two quarters at a certain level to start a new claim. And there's a very high expectation out there that UI will be available regardless of your circumstance, regardless of your employment, whether you're an employee or not. And that -- and they don't seem to be able to understand that those systems have ended.

Our unemployment level is now down to what it was before the pandemic, but our phone traffic is seven times as high as it was under normal unemployment. So there's a very difficult mismatch going on here.

SENATOR GALLIVAN: Well, understood, and appreciate that. But of course it spills over. A lot of the executive branch, the services, the frustrations from the members of the public spill over to our offices. So we do appreciate the communication and just, you know, hope that we can ensure that that communication with our offices on behalf of constituents is timely.

The other area has to do with workforce development. So in the allocation

for workforce development, is any of those monies going towards workforce development in the area of e-commerce? So what I'm hearing from employers, both mid-level and large employers, is that they're trying to identify people -- and the people who are coming to them don't have the skills that they need or they haven't developed the skills that they need in this day and age with the internet, e-commerce, social media and things of that nature.

So the specific question, is any of the monies designated for workforce development in that area of e-commerce? And then, in a broad sense, have you recognized that? Is that something that you're going to be trying to do something about?

COMMISSIONER REARDON: You are singing my song, thank you very much. This is -- we are very aware that technical skills, basic computer use, literacy, software proficiency, mechanical engineering skills -- these are very high demands, and many workers don't have them. So we are very focused on it.

As I said earlier, I think, we offer Coursera licenses for free to our UI customers, and they can actually get a great deal of that technical training online from Coursera. And I have a number of testimonials from UI customers who have taken the courses and are now in very good jobs. So we are very, very focused on that.

We're talking today on Zoom, and we have to assume, while we will be begin to gather together as we used to, this will never go away. E-commerce will never go away. Our world is much more technical than it was even two years ago, and we need to ensure that our workforce has the skills that they need.

So we are working very closely with schools, with BOCES, K-12, SUNY and CUNY, with all of our business partners to ensure that we can give them, the businesses, the workers they need and give the workers the skills that they demand. It's a very, very high demand and we are very excited to be able to roll out new programs.

So thank you for asking me about that. It is top of the list.

SENATOR GALLIVAN: That's good to hear. And just perhaps a suggestion to the extent that you can -- and you may have already done so -- if you can impress this upon the Economic Development Councils, because that seems to be a group of people across the state that could help out with this.

Thank you for your time.

COMMISSIONER REARDON: Thank you. Thanks for asking that.

CHAIRWOMAN KRUEGER: Thank you.

Assemblywoman Weinstein.

CHAIRWOMAN WEINSTEIN: We go to Assemblyman Ra, the ranker on Ways and Means, for five minutes.

ASSEMBLYMAN RA: Thank you, Chair.

Commissioner, good morning.

COMMISSIONER REARDON: Good morning.

ASSEMBLYMAN RA: I just want to go back for a moment to the UI, you know, the $9.5 billion that's owed. And you may have

seen, recently they came out with, I guess, new guidance from the Treasury Department regarding utilizing the American Recovery Plan funds, saying that if we made some type of deposit from that prior to -- well, not even a deposit, but committed funds prior to April 1st, it does not commit us to a maintenance of effort.

Is there any consideration being given to doing that?

COMMISSIONER REARDON: So I know that the Governor has looked at all of these issues deeply, and we've all been in discussion about it.

This -- you know, these are federal funds that are available to the state. And the Governor has the luxury of having money coming in, but also the problem of many, many pots of need. So she's had to look at where -- you know, it looks like a lot of money until you start to distribute it, and there's a lot of need everywhere in the state.

I know that she's looked at this very

closely. We have not made any decisions at this point, but we continue to work it. But I will say again, this is really -- the federal government needs to step in and help. We are not the only state in this situation. And there are other states with much higher debt than New York State, which is tragic.

So, you know, we're working with our partners and we hope that the federal government can step in and help all of the states in this situation.

ASSEMBLYMAN RA: Thank you.

The other thing I wanted to get into a little bit was the HERO Act and the implementation. Just wondering how compliance has been going. Do we know of any businesses that have been fined or warned about complying with these new standards?

COMMISSIONER REARDON: So we are definitely out working with our business community. As soon as the Hero Act went into effect, we were doing that. We were handling COVID complaints before that. I think I said we had 53,000 COVID complaints during the

pandemic that we resolved, or reports on resolving.

One of the things about the HERO Act, interestingly, because of the decision on the OSHA regulations, the federal OSHA regulations actually has made it more straightforward for us. So, you know, we are out working every day with our businesses and workers. It's up on the website, I think we just put up a new set of more detailed guidelines. But we are working very closely. And we take it very seriously. As long as the pandemic rages, we have to protect our workers and the businesses and the people who come in.

I don't have an exact number -- excuse me, breaking news. We have 657 HERO complaints. And usually what we do is we work to get them into compliance.

If, you know, the local municipal or county departments of health get involved, they may have stiffer applications, and so we try to get the business to come into compliance, because that's the best thing for

everybody. And it's pretty straightforward.

ASSEMBLYMAN RA: To that end, in terms of compliance, do you know, have businesses expressed, you know, any concerns or difficulty paying for, you know, any of the things they need to do within their business to come into compliance?

COMMISSIONER REARDON: I have not heard specific financial complaints. I'm sure some people do. You know, particularly smaller -- it may create, you know, more of a burden.

But, you know, people throughout the pandemic have had to adjust to the hand sanitizers, the masks, you know, ensuring that there's ventilation. And I have not heard a lot of specific complaints about that.

ASSEMBLYMAN RA: Great. Thank you, Commissioner.

CHAIRWOMAN KRUEGER: Thank you.

Chair Weinstein, back to you.

CHAIRWOMAN WEINSTEIN: We have been joined by Assemblywoman Hyndman, and we are

going to Assemblyman DeStefano.

ASSEMBLYMAN DeSTEFANO: Thank you, Chair Weinstein. I wanted to thank everyone for being here. We know how important this is to our governmental employees community.

Commissioner, thank you for your time. I just have a few questions.

Although New York's economy seems to be recovering from the revenue loss due to the pandemic shutdowns, New York employment has failed to recover as quickly. New York is ranked 49th in the nation, only ahead of Hawaii, and its job growth rate recovery is horrible. The nation has seen 98 percent of its jobs regained, but in New York only 8 percent of the jobs lost have been regained.

What do you think the problem with that is? New York City is, you know, 8 percent in unemployment. What do you attribute that to?

COMMISSIONER REARDON: So there are a couple of things. We -- the private-sector jobs in New York State, we lost 1.9 million

private-sector jobs between February and April of 2020. Sixty-five percent of those jobs have been recovered as of December 2021.

So I think it's a mistake to say that we have not recovered jobs. New York City specifically is lagging in reemploying people, but think about the economy of New York City. Businesses are not fully back in Midtown New York. That impacts every business that touches them. Taxis, subways, clothing stores, pharmacies, restaurants, newsstands -- everybody that depends on those workers can't go fully back to work because their customers are not there.

But also New York City is very dependent on tourism, Broadway, entertainment. Now, Broadway opened -- this is my world -- Broadway opened with a bang, shows were selling out. Omicron came, now shows are going on hiatus, they have to close for a couple of days because the cast is out with COVID.

It creates an unstable environment, and they cannot bring back -- specifically in

the hospitality area, hotels and restaurants, they can't fully staff up if they don't know they're going to have people coming in to spend their dollars in their restaurant or their hotel. So that's part of -- that's a big part of the problem.

As Omicron continues to decline, fingers crossed, we will begin to see a stabilization of this, and the tourism will again begin to come back. You know, tourists were in New York City until Omicron, and then it began to kind of crater.

As this goes down, we are hopeful that these jobs will return, the hotels will reopen, the restaurants will be full, Broadway will be selling out, and it will be a vibrant economy again. But until that happens, we have a bit of a deficit.

ASSEMBLYMAN DeSTEFANO: Would you agree that we're coming out of the pandemic? Would that be fair to say, that we're coming out of it?

COMMISSIONER REARDON: Well, I'm not a public health official, so I would not want

to be the person that says that.

I did see today that the positivity rate in New York City is dramatically lower. That's a very good sign. And, you know, I think we have to wait and see how these numbers continue to trend down. If they continue to trend down, I know that people will feel more safe.

Look, New York City has a very high vaccination rate, so it is essentially a much safer city to be in anyway. But now we need to make sure that Omicron continues to decline so people have that kind of security to come back and do the things they love in our state.

ASSEMBLYMAN DeSTEFANO: What are we doing to prepare our youth or our younger generation? You've been working with the Education Department on recruiting to try and get people into the workforce? I'm not so sure the city is ever going to rebound to where it was pre-pandemic. But, you know, we are getting a lot of people going through college and trade schools. What are we doing

to try to address their needs of getting them into the workforce?

COMMISSIONER REARDON: So this is a great question. It's something I really think about a lot.

I think we really make a mistake as a society -- not just me at DOL or you in your position -- but as a society we tend to think about talking to young people about career paths after they've finished high school and sometimes after they've finished college. It's way too late to have that conversation.

We need to be engaged with young people in fifth grade, sixth grade, seventh grade. I was an actor and I was an actor because when I was 14 years old, I was fortunate enough to be able to work with adults in adult theater. And it changed my world. Those things are so impactful. We need to make sure that young people are exposed to these opportunities.

I always challenge people, and I do this challenge myself: Think about the young people in your world, either your children or

your neighbor's or whoever the kids are around you. I challenge all of us, reach out to those young people personally and talk to them about how you got where you are and what that was like and what it is you do and what kind of adventures you've had. Because kids only see a certain slice of the world, and they don't know everything that's available. We want the world open to them.

ASSEMBLYMAN DeSTEFANO: Commissioner, I've got a few seconds. You just described the last week of -- this past week, that's what I was doing for all the school districts in my community. So thank you.

COMMISSIONER REARDON: Thank you.

CHAIRWOMAN KRUEGER: Thank you, Assembly.

Next up is the ranker for Finance, Senator Tom O'Mara.

(Pause.)

SENATOR O'MARA: I got it now, sorry. I just stepped away for a second. I thought Senator Harckham was going to go before me. But thank you, Chairwoman.

Thank you, Commissioner, for being with us today.

Just a couple of questions, one on the Unemployment Insurance debt that is owed to the federal government. Where does that stand at today, and what efforts are we making to pay that down?

COMMISSIONER REARDON: It's $9.6 billion. It's a staggering amount of money. It is not the highest amount owed by a state -- we're fourth, I think. And we're also one of the largest employee states, so you can put it into context.

There is an entire regulation about how this gets repaid. There's federal language and state language. And I won't walk you through all of it, because it's very complicated. It was part of UI reform after the last recession, so it's a whole way to deal with it.

It's paid out over a number of years. The number I think from 2009, when we came out of the last recession -- we did not fully come out of that recession for -- I think it

was actually eight years --

SENATOR O'MARA: What are we doing today to make an effort to pay that down? Because we have --

COMMISSIONER REARDON: We are in conversations with our partners in the federal government. New York is one of the states that signed onto a letter to Janet Yellin, at the Treasury, urging her to use her authority to forgive at least some of this debt.

And, you know, I know that the Governor has been very engaged with government partners trying to figure out other ways to alleviate at least some of this, because, you know, nobody had any --

(Zoom interruption.)

SENATOR O'MARA: What is the impact of that on the unemployment insurance ratepayers --

(Zoom interruption.)

SENATOR O'MARA: Somebody's got to mute sorry. I'm not sure who it is.

CHAIRWOMAN KRUEGER: Took care of it,

Tom, sorry.

SENATOR O'MARA: Okay. Sorry for that Commissioner.

What is the impact to unemployment insurance payers now, the businesses, because of that debt?

COMMISSIONER REARDON: So there is a rate schedule. Because of my order in 2021, no one was charged their experience rating -- that's the number of people that go on unemployment. You get a certain rating for that.

SENATOR O'MARA: Right.

COMMISSIONER REARDON: It was flat for everybody for the entire year, because nobody had any control over it.

The experience rating started -- restarted this year. The rate that they got for this year reflects last year's experience. So there's a small increase for everybody because of the debt -- it's not huge, but it does not have any experience rating. So there will actually be some people who will get bills this year that may

actually be lower than last year.

Next year is when you will begin to see the experience rating added onto it. So we have a year's leeway to continue to work this problem.

SENATOR O'MARA: Okay. With regards to those that received benefits, through no fault of their own, but are being told now they shouldn't have received them -- I know you addressed this a little bit earlier. The federal government is -- I think part of the question to you was the federal government is somehow waiving those, repayment of those? What's New York State doing with that?

COMMISSIONER REARDON: The federal government is -- they said you can waive it. They have not instituted a blanket waiver. There is some action afoot to have a federal blanket waiver of these no-fault-of-your-own problems. It would be a great solution, frankly.

New York State is -- we have developed our own -- they allowed us to develop a waiver system. So we are developing it, we

are rolling it out this quarter. It is an IT solution. We don't want anybody to have to put anything on paper. We're going to do, you know, a back-and-forth with digital technology and they can send us their information and then the waiver will be decided.

It's basically decided on grounds of equity and good conscience. So it's a pretty easy waiver to get. And it will be rolling out this quarter -- we're not doing all of them at once because it would be a very large number. We're going to do them in chunks so that we can maintain a --

SENATOR O'MARA: Some people have received letters saying they have to pay it back at this point, correct?

COMMISSIONER REARDON: Yes. And there are some people who do have to pay it back. I mean, there are people --

SENATOR O'MARA: Yeah, I got it. Yeah, I'm sure there will be, and I'm sure there should be.

But as far as those who through no

fault of their own -- are they getting any notice at this point that there might be a waiver process for them or --

COMMISSIONER REARDON: We're working on this --

SENATOR O'MARA: -- are they just worried about this collection letter they got?

COMMISSIONER REARDON: No. I believe we have sent notice about this, but don't -- I don't want to say for sure. Let me find out exactly what we've done. Because we now believe that we have to overcommunicate with everybody, so we're doing our level best to make sure we get these messages out.

As I said earlier, last week we sent out over 3 million emails and 2 million text messages to customers about various programs. So we constantly communicate with our customers. But let me find out exactly what we've sent to them.

SENATOR O'MARA: And in regards to that $9 billion federal debt, you said it's very minimal to the employer for that. But

what do you consider minimal?

COMMISSIONER REARDON: No, I -- I mean, eventually, if nothing is done and every employer has to help pay back their share, it will be an increase. Let's be very real about it.

But this year it is not a major impact, because some of that's not going to happen until next year. I'm not saying it's minimal; there will be an increase for everyone. But --

SENATOR O'MARA: Well, I am receiving complaints from businesses that their rates went up significantly. They're not really sure what it's due to.

COMMISSIONER REARDON: The rates went up because there was legislation that was passed after the UI reform, frankly, to stabilize the system after the last recession. And there's a program by which it has to be dealt with. It's an algorithm. And so there's a certain amount that has to go up to cover it.

It's not covering the whole debt. The

cost of the debt is spread out over years. There's no way we could repay it in, you know, even five years. So it's going to be spread out as much as we can.

SENATOR O'MARA: Okay, my time's up. Thank you.

COMMISSIONER REARDON: Thank you.

CHAIRWOMAN KRUEGER: Thank you, Tom.

Chair Weinstein.

CHAIRWOMAN WEINSTEIN: We go to Assemblyman Jacobson for three minutes.

ASSEMBLYMAN JACOBSON: Thank you, Madam Chair.

And thank you, Commissioner, for testifying. I've got to talk quickly because I only get three minutes, and your answers have to be short.

The budget contains funding for the Workforce Development Institute, which facilitates the building trades apprenticeship programs. Last September you stated it's not the policy of the Department of Labor to refer interested workers to local trades apprenticeship programs or the

Workforce Development Institute, because they only train workers for available jobs.

This is simply not the case. Carpenters Local 279 has a new facility near the Town of Newburgh which you visited. They host a monthly open house meeting to attract new workers to their program.

The building trades are actively looking for new apprentices every day. There is an even greater need now that we have the federal infrastructure law, which will finance thousands of projects here in the state.

Have you already or do you intend to change the Department of Labor's policy with regard to referring interested workers to these apprenticeships?

COMMISSIONER REARDON: I think there was a misunderstanding about what I was saying or what you intended me to answer.

We certainly tell all of our customers about registered apprenticeship programs, as well as all other training providers that we cover. But we can't place them in an

apprenticeship --

ASSEMBLYMAN JACOBSON: No, I'm not asking that. You refer them, though, right?

COMMISSIONER REARDON: Yes.

ASSEMBLYMAN JACOBSON: That's fine. Good. I'm happy.

COMMISSIONER REARDON: Yup. We've always done that.

ASSEMBLYMAN JACOBSON: Very quickly. I'm happy, that's fine.

All right. Will the Department of Labor change its policy with respect to one-stop Career Centers and stop requiring referrals from the Unemployment Office or others in order to help people?

COMMISSIONER REARDON: Any New Yorker can use the services of the Career Centers and the workforce development part of the Department of Labor. There's no restriction.

Currently we serve over 5,000 people a week individually, whether it's on a webinar or an individual appointment. We have not fully opened the Career Centers so you can just walk in because of COVID concerns --

ASSEMBLYMAN JACOBSON: I want to ask you about that. That's my next question, Commissioner.

During the pandemic New Yorkers lost confidence in the Department of Labor after their online and telephone systems -- after your online and telephone systems collapsed when thousands of residents tried to obtain unemployment insurance. And yet when the Department of Labor -- when the one-stops have it in a county-owned facility, they take people in.

When the Department of Labor is the one that's leasing or renting the facility, they are not taking it in. That's what happens in Poughkeepsie. But in Orange County and Goshen, they take it in, but not in Newburgh, where the Department of Labor is the tenant.

So this makes no sense. People don't have confidence. They need help. If they were very good online and being able to do it on their own, they would be able to get the jobs. You've got to open it up. Open it up

so that you can help people so they have confidence.

COMMISSIONER REARDON: As I said before, if somebody would like a one-on-one appointment with one of our career counselors, we can certainly set that up.

But -- and I'm not sure about county to county how various facilities are open. That doesn't track with me. But certainly if somebody wants to have a one-on-one appointment with one of our career counselors, we will set that up.

ASSEMBLYMAN JACOBSON: If somebody walks into a one-stop shop, can they get treated --

CHAIRWOMAN KRUEGER: No. Helene, I think we need to finish this conversation.

CHAIRWOMAN WEINSTEIN: Assemblyman Jacobson, we can maybe have an offline follow-up on that.

So we're going to go now to the Senate.

CHAIRWOMAN KRUEGER: Thank you. I'm sorry, we just have to be very strict today.

And we skipped over by mistake, and I apologize, Senator Pete Harckham. So I'm going to Senator Harckham next.

SENATOR HARCKHAM: Thank you, Madam Chair. No trouble at all. Always happy to yield to the ranker.

Good morning, Commissioner.

COMMISSIONER REARDON: Good morning.

SENATOR HARCKHAM: Always great to see you. Thank you to you and your team for all the long hours these last two years.

I want to switch gears a little bit to speak about power plant decommissioning labor issues. The CLCPA sets very strict goals about decommissioning our power system. That's going to mean closing fossil fuel power plants in the next 10 years.

As you know, I have Indian Point in my district. It was a nuclear facility, but same thing, decommissioning. Some of the workers were able to move over with Holtec, but we still have a lot of workers who are highly skilled, well-paid union workers who are looking to make a transition someplace.

So specifically about Indian Point, but also on the broader picture about where we're going over the next 10 years, what are the state's plans to, as we say in the just-transition language of the CLCPA, find equally high-paying work for some of these folks who are going to be negatively impacted as we decarbonize the grid?

COMMISSIONER REARDON: Great question. I have the honor of being the cochair, with Doreen Harris, of the Just Transition Working Group, and our charge is to do just that, to help transition workers from fossil fuel jobs to the green energy sector.

We just finished a huge jobs study that gives us an eye into the jobs of the future. And we're looking at -- you know, as you know, there's triage: Somebody who needs the job within the next year or so, what's their advantage; somebody who has enough time to do some up-skilling for a job that will be ready in two years; and then somebody, a young worker, who can retrain and do a job further in the future. We're looking at all

of that.

As you know, we've worked very closely for -- since I came in as commissioner, frankly, with Indian Point to help the workers that are there. And the triage was done -- you look at who's ready to retire, who's in the middle of their career, and who really is very young in their career and can make different decisions.

It is complicated, but these are highly skilled workers, and their skills are needed. And one of the great things that we've found in the jobs study is that in the green energy sector, there's actually job growth. And it's job growth at a good wage. So we are able to sit down with workers and say, you know, with a certain amount of training, you can --

SENATOR HARCKHAM: Commissioner, I'm sorry, I've got one more question and I've only got a few seconds left.

One, if you could share the jobs study with the chairs of the two finance committees to get to us, that would be great.

The other is really more of a comment. I have some small businesses in my district who have had a number of fraudulent unemployment claims made against them. And obviously when they're contacted, they need to reach out to your office. And every time it's to a different person, and so they start from zero to reexplain their life story every single time. And what they've asked is if they could have the equivalent of a caseworker, one person be assigned to them who knows the history of what they're going through.

I think it would also be, from a management standpoint, easier for your workers and it would certainly be more customer-friendly. Thank you so much.

COMMISSIONER REARDON: Thank you.

CHAIRWOMAN WEINSTEIN: We've been joined by Assemblyman Aubry, and we go to Assemblywoman Simon.

ASSEMBLYWOMAN SIMON: Thank you. Thank you, Commissioner. It's great to see you today.

And I have a number of questions; some of them are tough ones. So I'll list my questions, because I want to make sure they get addressed. We talked a little bit about this ID.me. I know Senator Ramos asked some questions. But I think really what we need is a solution. I know, because your executive commissioner called me back, that this is -- it catches a lot of fraud but it also has created a lot of problems.

So I think we need to get commitment from the DOL to create alternatives, such as an in-person identity verification option where claimants can receive, in their primary language, with only a reasonable wait time. You know, we have had people who have been waiting for months and months and months, people for whom their unemployment claims were denied on an alleged failure to cooperate, and it wasn't a failure to cooperate. So that's a huge issue.

We're still getting the same problems with people not getting called back or not getting through, calling and calling and

calling. DOL calls them, doesn't leave a name or a number, so then they call back, go back into some, you know, circular queue that is very, very frustrating to people.

And then the issue of teachers and substitutes. That has been a problem, where the teachers were not able to get a reasonable assurance of further employment, and those benefits are now being clawed back. That is a big problem for a lot of people in my district. And we'd like DOL to consider withdrawing those ineligibility notices and overpayment charges.

Right now, you know, our constituents can't get through to DOL and they can't get their benefits, but DOL is spending a lot of time trying to claw back payments from people who -- from whom they shouldn't.

Employees -- independent contractors like Uber not paying into the system. The courts have found that they're employees. And then the other thing is noncompetes, and why we might not just ban noncompetes, like California has done. Because even a

middle-income person without income for a year is really going to be very damaged.

So if you could address those questions, I'd appreciate it. And you have 50 seconds.

CHAIRWOMAN WEINSTEIN: You have 45 seconds.

(Laughter.)

COMMISSIONER REARDON: I made notes.

Okay, as far as Uber and the reasonable assurance, those are both in litigation so I really can't comment on them.

I think noncompetes are a terrible, terrible flaw in the system. I support getting rid of them altogether, but let's see what happens.

ID.me, it's a solution that we have. We are looking for other technology, but we have to be able to ensure that we know who people are.

And the whole thing about people calling and calling -- as I said earlier, our UI numbers are down to before pandemic levels, but our call volume is still seven

times higher. So people are calling for all kinds of reasons other than their benefit, and it really clogs up the system.

We do call back. We leave a message and say, you know, I'm going to call you tomorrow between this time and this time, and then inevitably what happens, if the claimant doesn't answer, we can't leave a specific number. We're not set up that way.

But I would urge people, if you are told that we're going to call you, pick up the phone.

CHAIRWOMAN WEINSTEIN: Thank you, Commissioner.

We go to the Senate.

CHAIRWOMAN KRUEGER: Thank you very much. Our next Senator is Sean Ryan.

SENATOR RYAN: Thank you very much, Chair Krueger.

Good to see you, Commissioner.

I just wanted to quickly jump on the unemployment bandwagon. You know, we know there's still problems. We know you folks are working hard. But I just -- you know,

just got done working with somebody from the Ford Stamping Plant here in Buffalo, a UAW member. It took nine months for her to get her unemployment. It was really because she was super-tenacious. But a lot of the times they asked her to call back, you're not allowed to answer your phone on the factory floor. So she kept going back and forth and back and forth. And then we finally got somebody to call her during a break period.

But I'm really worried that if people don't have the same tenacity that she had, they'd walk -- they're just going to walk on their benefits and lose faith in the state. So I would ask you to keep tinkering with it and keep working hard and make sure that we don't allow the harder-to-reach people to fall through the cracks.

And on the noncompete agreements, you know, I agree with you on that, I think it's good -- I believe your Article VII limits it to people who make under a certain income level, is that accurate?

COMMISSIONER REARDON: Yes, and the

thinking on that is that people over a certain income level have the resources to pursue it in court, but low-wage workers have no ability to do that.

You know, if I'm a professional person, they're very unenforceable. So, you know, employers put them in, but very few of them get enforced for high-wage people. Low-wage people don't have those resources.

SENATOR RYAN: Yeah. So I -- well, I definitely agree with that, it could disproportionately affect you based on your income. But if you look at the effect on the economy, you know, as a whole, even though we know they're usually not enforceable, no employer wants to hire you if you go to an interview and say: I'm under a noncompete, and you might face litigation.

And then the answer is it probably won't be enforceable, but if you have two candidates of equal qualifications, and one doesn't have that hanging over their head, you know, it's a clog in our economy that we need to get rid of. And as you know, it puts

downward pressure on wages in all sectors, and it really reduces employees' earning power.

So I'd like to continue chatting with you and, you know, working with you on this, you know, noncompete agreements. We've seen them grow over the years, right? It used to be just you're a scientist, you're a specialist, now it's just -- it's everyone. It's an adhesion clause. It's like you're signing your HR benefits.

COMMISSIONER REARDON: Yeah. I always say, you know, I'm happy to enforce the laws that you pass. And if that's one of them, we will enforce it.

SENATOR RYAN: That's great. Thank you very much, Commissioner.

CHAIRWOMAN KRUEGER: Thank you, Senator Ryan.

Chair Weinstein.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Griffin, three minutes. For question and answer.

ASSEMBLYWOMAN GRIFFIN: Yes. Thank

you, Chairs.

And thank you, Commissioner Reardon. I appreciate all of the work of you and your team.

I have a couple of questions that I'll get to fit in. First, I have a couple of constituents -- and I'm sure there's many more -- who were victims of fraud. And this might have been early on, where this fraudulent recipient got DOL to deposit three payments into their account. And then we've called up -- you know, my staff has called up, they find out they had to send in paperwork. But this person is now told that DOL cannot get back any money that's been deposited fraudulently, so this person has to contact those banks himself where it was deposited. And there doesn't seem to be -- he's not told of a way that he's ever going to made whole. There is a hotline number, but there is no human he can speak to.

So for people that are really dealing with these arduous situations, what is something better that can be done to help

them?

COMMISSIONER REARDON: So the fraud issue in UI is horrific. And at one point we discovered that cybercriminals had figured out how to get in the front door of the system and then use a bot to switch the banking deposit from my bank to their bank. And this went on for not a very long period of time, but long enough for it to severely impact those people.

We managed to stop it, and we followed up on all of it. But it is a significant problem. I can't comment on an individual case. But certainly I'd be very happy to have a conversation with you offline about, you know, the banking issues. They're complex because of banking regulations.

But the bank fraud was horrible.

ASSEMBLYWOMAN GRIFFIN: Okay, so I'll contact you offline about that.

And then if a person -- like the clawback, if someone got benefits that they shouldn't have received but through no fault of their own, if they apply for a waiver and

it gets denied -- because maybe they didn't fill it out right or they didn't explain it right or DOL just said no, this doesn't qualify, is there a process where they can appeal that in some way?

COMMISSIONER REARDON: I would imagine so, because we pretty much always have those kinds of processes. I don't know exactly what it is, but I'd be surprised if we didn't have it.

ASSEMBLYWOMAN GRIFFIN: Okay. And then for small businesses that right now some of them may have seen an increase, even if small -- maybe next year they'll see a higher increase -- is there any process that they could, you know, speak to someone at DOL to discuss like their inability to pay this, like that maybe they're going to go out of business in order to pay?

COMMISSIONER REARDON: We have -- you know, we have business advocates here that they can certainly discuss their issues with and try to figure out some way to prevent them from going under, absolutely.

ASSEMBLYWOMAN GRIFFIN: Are those numbers available to them, or are they available to us and --

COMMISSIONER REARDON: I think they may be on the website, but let me check. It should be on the website.

ASSEMBLYWOMAN GRIFFIN: Okay, thank you very much. I appreciate your help.

CHAIRWOMAN WEINSTEIN: Okay, to the Senate.

CHAIRWOMAN KRUEGER: Thank you very much.

Senator Shelley Mayer.

SENATOR MAYER: Hi, Commissioner. Nice to see you. Good morning.

COMMISSIONER REARDON: Thank you.

SENATOR MAYER: Just quickly on the unemployment issue, is the claim center now being managed by New York State, your employees, or is it subcontracted?

COMMISSIONER REARDON: The claim center -- you mean the telephone claim center.

SENATOR MAYER: Yes.

COMMISSIONER REARDON: We are currently staffed with New York State employees. The third-party call centers are no longer in existence.

SENATOR MAYER: Okay. And did the department ask the Governor for additional staff, given the volume of calls you just described as being so high?

COMMISSIONER REARDON: Yes. And I'm very, very thankful that Governor Hochul, one of the first things she did when she came in is she lifted the hiring freeze, so we have been hiring at a pretty rapid clip. And it's impactful -- across the agency, not just in the TCC.

SENATOR MAYER: Yeah, but I would just say I know last week I sent to your office directly, and this is January of 2022, another four people who couldn't get through on the phone who, as my colleagues have said, have had to come to us to get to you. And with your help, they do get a call back.

But I would urge that you actually hire more people directly into the call

center. That is the problem our constituents are having. They cannot get through.

COMMISSIONER REARDON: One of the problems is that when we hire someone to work in the call center, they then have to be trained. As you know --

SENATOR MAYER: Understood. Understood. How many additional people did you hire since Governor Hochul came in?

COMMISSIONER REARDON: I don't know overall. I think in the UI system it's over 200, but I'd have to find out the specifics.

SENATOR MAYER: Okay. I think that we all would care deeply about knowing exactly how many additional employees there are and urge you to hire more, because it --

So secondly, on the gun violence prevention initiative you described earlier, Commissioner, how many individuals are currently in training outside of New York City in these programs?

COMMISSIONER REARDON: This is in all the local workforce development boards?

SENATOR MAYER: Yes.

COMMISSIONER REARDON: I don't know the aggregate number. I can get you the number, I know we have it, but I don't have it right in front of me. Let me see if --

SENATOR MAYER: And do you know how many are placed in jobs?

COMMISSIONER REARDON: No. I can get you those numbers.

SENATOR MAYER: And how much money was allocated for this program?

COMMISSIONER REARDON: Well, for the entire gun violence program, it was about 30 million overall. That included, I think, hiring the violence interrupters as well as the training providers. So I can get you the breakdown.

SENATOR MAYER: I think given the current moment we're in, it would be helpful to have a report on how effective this program has been to date and whether this approach -- which, you know, we're very supportive of -- works the way it is set up. And particularly going through the workforce

development boards, whether that's the optimal way.

And I would ask that the department provide us some additional data on that.

COMMISSIONER REARDON: I will say that the workforce development boards have been pretty hands-on with this, because they are hyper-local and these are not New York City, they're smaller.

But I want to remind all of us, this is a very difficult community to help. If it were as simple as getting somebody a job, we wouldn't have these problems.

SENATOR MAYER: We totally get that. Thank you. Thank you very much.

CHAIRWOMAN WEINSTEIN: Assemblyman Bronson.

ASSEMBLYMAN BRONSON: Thank you, Chair Weinstein. And Commissioner, great to see you, albeit via Zoom.

As chair of Economic Development, one of our highest priorities in the committee is to ensure that we have an economic recovery that is equitable and inclusive. We know

that after the Great Recession, New York did not fare very well in an inclusive economy. And the COVID-19 pandemic has made the situation even worse, with a disproportional impact on unskilled labor force, women, underserved and other marginalized communities which have historically been left on the economic sidelines.

What I'd like to know is in this budget and through the strategies of your department, what steps are we taking in workforce development programs or otherwise that will ensure that New York's economic recovery is one that's equitable and inclusive?

COMMISSIONER REARDON: So this is a really top-of-mind issue for our workforce development people. And you're right, we have gone through other recovery periods -- we as a state, we as a country -- and we have not been able to be as inclusive as we should be.

We make sure that we spread a wide net. We want to make sure that everybody

knows about our services. We work very closely with not-for-profits that work with underserved communities to make sure that they come to us for our services, because a lot of times they don't even know that they can.

We work with groups like Nontraditional Employment for Women, for instance, to help women understand that there are careers for them in the construction trades.

There are lots of other programs like that that we work with. We work with the schools, with BOCES. Because we understand that it's not enough for people who have access to succeed, the state really doesn't succeed till everybody has access. And it's not an easy thing to do. It takes repetition. You do it and do it, and then you do it again. I always tell people you want to make sure that when that worker opens the door to that career, they see themselves reflected inside. Because if they do, they're going to go in and engage. And

often, they don't.

So we have to make sure that -- I always say, you know, if you're going to do a career development thing, bring diverse people with you. Bring young people. Bring -- if you're going to a young group of African-American women, bring an African-American woman with you who's doing that work, because they want to know they can succeed.

And, you know, I know that from my own experience as a woman in my job search throughout my life, and it's true of everybody. We can never let up. There's never enough. But it is really critical to the success of the entire state that everybody is successful, because otherwise we end up with pockets of need. We don't want those. We want everybody to be able to have a good life and a career that they love.

ASSEMBLYMAN BRONSON: Well, thank you, Commissioner. I look forward to working with you as we develop strategies and plans so that everyone can participate fully in our

economy. Thank you, Commissioner.

COMMISSIONER REARDON: You're a great partner. Thank you.

CHAIRWOMAN KRUEGER: Thank you --

CHAIRWOMAN WEINSTEIN: We go to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator Robert Jackson.

SENATOR JACKSON: Commissioner, good afternoon.

COMMISSIONER REARDON: My Senator.

SENATOR JACKSON: A couple of quick questions. I only have two minutes and 55 seconds.

So the Executive Budget proposes 11.4 billion for the Department of Labor, a decrease of 52.8 million. And that is because, I would assume, of the federal government funds. But my question to you is saying that the calls that you're receiving is so dramatic and like seven times the volume, that you need more staff. Have you laid off staff, or are you going to shift staff from one area to another to deal with

all of the calls coming in?

Can you just --

COMMISSIONER REARDON: Well, you know, we have not -- we have staffed up. We have not laid off staff at all.

And I have to say during the pandemic every available employee in the Department of Labor was retrained to answer UI calls. It was a phenomenal effort. And they were very successful, but now some of them have to go back to their day jobs. You know, some of them are inspectors, some of them are workforce development.

So we are indeed staffing up. I just got a note, we've hired 376 new employees and we're still hiring. So it's going on as we speak.

You know, the need is great. The good news is the UI rate is steadily falling. The number of calls is really because a lot of our customers don't understand the program, and frankly some of them are answer-shopping. You probably know there's a lot of anger out in the world today, and if you give them an

answer they don't like, they call you back. And we're trying to find ways to abate that.

We do a tremendous amount of messaging.

SENATOR JACKSON: All right, I appreciate that. But those people that have been after money that they're entitled to and it's been delayed, delayed, delayed, it's not helping them, especially when their rent's due, and food on the table and things like that. So we need to focus on that so people that are entitled to what they're supposed to get, get it.

COMMISSIONER REARDON: Yes.

SENATOR JACKSON: And my second question is, how much interest will ultimately have to be paid to the federal government as a result of the state borrowing $90 billion in UI insurance loans? And how long do you anticipate that this is going to take to come back?

COMMISSIONER REARDON: Yeah, it's 9 billion. I don't know what the interest rate is, frankly.

SENATOR JACKSON: Okay.

COMMISSIONER REARDON: It's big.

SENATOR JACKSON: What's the time frame? Ten years, 15 years, five years, what?

COMMISSIONER REARDON: It depends on the amount of money that's owed and how the money is -- you know, how each employer pays into it. It will be a long time. It won't -- I mean, we don't want it to be a short time, because that means that the rate would be very high for every employer. We want to stretch it out as long as possible.

SENATOR JACKSON: I totally agree with you.

So members have mentioned that federal waiver for UI for payments where the claimants were not at fault. How many waiver requests from the Department of Labor did they receive, and how many waivers have been granted and under what circumstances?

COMMISSIONER REARDON: I don't have that number. We do have some waivers that have already gone out. But as I said

earlier, the bulk of the waivers are going to be going out this quarter.

We had 4.8 million people in the system. I don't know how many people would get a waiver. Certainly nowhere near that number. I don't actually know the number of people.

SENATOR JACKSON: Okay, thank you. My time is up. If you can get those answers, I'd appreciate it very much.

COMMISSIONER REARDON: Certainly.

CHAIRWOMAN KRUEGER: Thank you both.

Assemblywoman.

CHAIRWOMAN WEINSTEIN: Yes. Hi, commissioner. So I think I'm the only one left in the Assembly to ask a question, because we have a number of Senators, for a change. It's normally the Assembly.

But I have a question really on behalf of one of my colleagues who isn't a member of one of these committees. And I was wondering if you have thoughts on the proposal of housing a new office of workforce development within ESD. And have there been discussions

yet about how DOL would interact with the office and whether ESD would then be overseeing any of the Department of Labor workforce development programs?

COMMISSIONER REARDON: Great questions.

So we're really excited at this new office because we work closely with ESD, but this actually facilitates us being even closer and more in lockstep.

The federal programs that the DOL oversees, EO and things like that, they would stay in the DOL. The workforce development piece of it for ESD would be very specific and probably oriented I think towards the REDC process.

But that said, we are already deep in discussions. It's an exciting opportunity. And, you know, we have been charging -- as you know, because we worked on the REDCs together -- they were charged to have workforce development language in their plans over the last five years. It's been an evolving conversation. Now we can really

have a crisp, articulated plan for each council. And that's a great opportunity.

CHAIRWOMAN WEINSTEIN: Great, thank you. Thank you for that.

And I'm going to turn it back over to Senator Krueger. And I'll only interrupt if we have any Assemblymembers looking to ask a question.

CHAIRWOMAN KRUEGER: It's a deal. Thank you, Helene.

Our next question is Senator Borrello.

SENATOR BORRELLO: Thank you, Madam Chair.

Thank you, Commissioner, for being here. I do have a question.

You know, as you might be aware, I'm a business owner myself. And with all due respect, I have to take a little exception when you use the word "we" about paying it back, this $9 billion. There is no we. It's the business owners of New York State that are going to bear that burden. And I think it's important that everybody understands that. This is not a state-subsidized event,

this is going to be borne on the backs of every single employer in New York State, and to the tune of $9 billion plus interest.

So with that, my question to you is how much of that $9 billion can be attributed to unemployment insurance fraud?

COMMISSIONER REARDON: I don't have a number. It's certainly not 9 billion. We prevented 36 billion from going out the door. I don't have a hard number for how much actually was committed.

But remember that we are constantly clawing back monies. We use federal resources -- the FBI, Secret Service, all of that. Banks. So we are constantly getting some of the money -- we'll never recover all of it, obviously, but we are constantly getting some of that money, and so the number changes. But it's certainly nowhere near the 9 billion.

SENATOR BORRELLO: Well, but we don't really know what the number is. I know the State of California has identified their number; I think it was around 16 billion.

How do we know where we are?

COMMISSIONER REARDON: So I asked my folks at UI yesterday because I knew this question was going to come up, and one of the problems is each state defines unemployment insurance fraud a little differently, so there's not one definition that is countrywide. There's a lot of variance in there. And that's why I'm reluctant to give you a number, because I don't actually know what it is yet.

I appreciate that California -- California's fraud was so bad they literally had to shut down their system for three days so they could stabilize it and reopen again. That never happened to us, thank God.

SENATOR BORRELLO: All right. Well, along the lines of fraud I can tell you -- again, as a business owner -- you know, we had a lot of people that applied for unemployment and were given unemployment -- basically they quit their job and collected unemployment. You know, you would not allow us to ask why -- they would tell you why, but

we weren't as employers allowed to ask why they quit their job and were still eligible for unemployment. And most of the time we heard it was because they feared catching COVID. Although I can tell you as a restaurant owner that we had restaurant employees that quit their jobs, collected unemployment assumedly because they feared catching COVID, and then they would actually show up to eat and drink at our restaurant.

So I don't really think that the fear of catching COVID -- it was that extra federal incentive is really what it was.

But with that being said, can you still quit your job in New York State and collect unemployment to this day?

COMMISSIONER REARDON: No.

SENATOR BORRELLO: So you cannot use fear of catching COVID right now.

COMMISSIONER REARDON: I'm sorry, yes. If you are --

SENATOR BORRELLO: Okay, yes, you can.

COMMISSIONER REARDON: A legitimate reason to be afraid of catching COVID in your

workplace, that is a reason for leaving your employment.

However, in order to be eligible to collect benefits in general, you cannot walk away from your job.

SENATOR BORRELLO: Well, with all due respect, again, I think having an unemployment insurance claim denied is like -- you have a better chance of being struck by lightning right now.

I think it will be important that we actually have follow-up on these folks that still claim that they have a fear of catching COVID, and they are still quitting their jobs. That's why we have a workforce issue right now in New York State, a big part of that.

So -- but I appreciate what you're doing to try and fight back on that. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Our next questioner is Senator Hoylman. (Pause.)

Senator Hoylman, are you there?

(No response.)

CHAIRWOMAN KRUEGER: I think perhaps he's on a call or something, so we're going to go back to him.

Senator Gounardes.

SENATOR GOUNARDES: Great. Thank you very much, Senator Krueger.

Hello, Commissioner Reardon. Great to see you.

I have two things I wanted to touch on. Number one, you know, really glad to see the push on NDAs and really glad to hear the way you're talking about it.

I think there's another issue that needs to be discussed that I'd love to see you also get behind, and that is the issue of using no-rehire clauses in settlement agreements, which have become de facto noncompete clauses. So when someone files a case of discrimination or harassment and then they settle before going to court, they are often told they can never apply for a job in that company ever again.

And this is happening time and time

again. You can imagine the consequences of this when you're dealing with multinational corporations. If you're a bank teller at Chase and then you want to apply for another bank teller job at Chase, you can be prohibited from doing that if you were ever the victim of harassment or discrimination.

So just as forcefully as you are talking about NDAs, I would really encourage you and like to see you get behind an effort to ban no-rehire clauses as well. I have legislation with Assemblywoman Cruz to do just that that happens to be moving through our respective chambers.

But I really want to switch to some questioning now, and I want to talk about the Public Employee Health and Safety Bureau within your department. And I was wondering if you could tell us how many complaints has the bureau received over the last year or two since the COVID pandemic has begun? If you have that information.

COMMISSIONER REARDON: I'm looking at my cheat sheet. I know that we handled

53,200 COVID complaints. But I'm not sure that that was specifically the public employee -- I think that was the regular worker protection side.

Specifically public employee complaints? I don't actually have a number for that. I can find it for you.

SENATOR GOUNARDES: Great. And would you happen to know or could you find out how many site visits you've made or the bureau has made to public agencies since the start of the pandemic, for inspections?

COMMISSIONER REARDON: Sure. Yup.

SENATOR GOUNARDES: One of the things, you know, we passed two years ago was we passed a law requiring all public employers to develop and deploy pandemic response plans that take into account the health and safety of their workforce. And in my former capacity as chair of the Civil Service Committee, we heard from multiple employees at multiple levels of government that plans were either not developed, they were not followed, they were not consulted, and there

were still significant health and safety concerns from public employees at state agencies, city agencies, county agencies, et cetera.

Your bureau was not tasked with enforcing that law, but clearly you have jurisdiction over those same matters. So would love to get, you know, more details from you as to how many visits were made, how many complaints were received and resolved, how many actions were taken against, you know, workplaces that were not complying with the law, and see if we can't help make these workplaces safer for our public sector.

COMMISSIONER REARDON: Sure. Happy to do it.

SENATOR GOUNARDES: Great. That's all I have for you. Thank you very much.

CHAIRWOMAN KRUEGER: Thank you. I think Senator Hoylman has rejoined us.

SENATOR HOYLMAN: Yes, thank you, Madam Chair. Thank you.

Good afternoon -- good morning, I guess -- oh, afternoon, Commissioner. Nice

to see you, as always.

As you know very well, when performance venues closed during COVID-19, performers and crews relied on unemployment insurance benefits to get by. And thankfully many of them were able to go back to work when the venues opened what turns out to be temporarily this fall, only to be unemployed again when the venues closed due to the Omicron surge.

Unfortunately, it seems, Commissioner, due to the unemployment eligibility rules, performers and crew who have been unemployed due to the recent surge have been denied benefits because to qualify for unemployment benefits, a recipient must have earned, quote, wages in at least two of the four calendar quarters that make up the base period, unquote -- and, quote, at least $2700 in the highest-paid quarter of the base period.

So I was wondering, given the realities of the pandemic, the opening and closing aspects of it that we've seen so far,

is there anything we can do to allow performers and crew members across the state to access unemployment insurance? Is this something that's at the state level? Is it a federal regulation that we can push for, if not?

COMMISSIONER REARDON: This is, of course, near and dear to my heart because these are my colleagues. And I've been frankly worried knowing that this probably would happen.

Right now they are ineligible, and I have to say they are not the only employees following -- there are a lot of people in the hospitality industry who have been employed and then unemployed and they've never been able to build up enough earnings to start a new claim.

So it's hard to think about doing it for -- I don't think we could do it for one specific group, we'd have to do it across the spectrum of unemployment insurance.

There's a mix of federal and state regulations in play here. I can talk to you

in more detail about it. But it is -- it's frankly one of the reasons people call us so much, because they don't understand the system.

Before the pandemic, UI was something that helped you when you lost your job. You rarely were on it for the full 26 weeks. Now people have run through not only the original claim but all of the federal extensions. There's nothing left in their claim to access, and they have to start a new claim. And that is difficult.

I -- right now --

SENATOR HOYLMAN: What are we doing, Commissioner -- and I appreciate that it does span across industries. What are we doing to address it? Anything? In a federal initiative, are we reaching out to our federal partners? Or can the state do something?

COMMISSIONER REARDON: I'd have to look into the regs. I don't think it's strictly up to the state, but I'll find out.

SENATOR HOYLMAN: Okay. It's

obviously enormously pressing. As you can imagine, in my district in Manhattan, representing a large number of performers and folks in the hospitality industry, there isn't a more pressing issue at the moment. So thank you for your attention to it.

COMMISSIONER REARDON: Thanks.

CHAIRWOMAN KRUEGER: Thank you.

Senator Rath.

SENATOR RATH: Thank you, Madam Chair.

And thank you very much, Commissioner Reardon, for being with us today. And I know we're asking you a lot of questions, so we appreciate it.

My first question is a little bit of a specific follow-up on what you've been talking about with regards to workforce development and workforce training. And when we have our students in high school, there are many clear pathways to college, but there are not clear pathways to careers. And I think that this is something that we need to focus on and prioritize, because we're seeing very empty workforce pipelines and we're

seeing major skills gaps at thousands of companies across New York State.

So my first question has to do with what's being done with regards to the Career and Technical Education programs at BOCES? Because there are CTE programs that partner with high schools, and many employers want to see students coming out of high schools with very specific skills that they can be utilized right into the workforce.

COMMISSIONER REARDON: So I love BOCES. It is a woefully underused part of the educational system. And I wish that they were more supported unilaterally. I think this is actually more a question for Education than for DOL, because we don't really -- you know, we don't have any impact on their funding and their course offering. But I will tell you that they are very, very valuable.

And there's a shocking statistic: Two out of three New York jobs require some post-secondary credential. Right now, 2.4 million New Yorkers between the ages of

25 and 44 have no post-secondary degree or credential, so they're not eligible.

We need to make sure that we get people to understand that training is about your future and that training in BOCES is incredibly impactful. And, you know, we -- it's a couple of things. It's making sure that young people in high school and middle school understand those pathways, but it's also once you graduate from secondary school that you can continue to learn. You can go back and get a credential, you can go back and an apprenticeship. You can go back to college. We are in an era of lifelong learning. Nobody is going to get one degree and never go back to school again. BOCES is an incredible part of this.

But I urge you to talk to my friends at Education, because they have more attachment to it than I do. I love it.

SENATOR RATH: I understand your point about SED, there's no question about it. I do believe, though, that Labor can support more workforce pathways through CTE and

partnering with SED. Because again, we hear from thousands of employers who are saying we have major, major skills gaps right now, and I think BOCES is an important pathway with Labor partnering with SED.

COMMISSIONER REARDON: And we do partner with them. I mean, I -- it's one of the things I like, actually, about the new workforce and economic development office, is that it gives us more impact in all of those areas.

You and I could talk about this for a long time, I promise you.

SENATOR RATH: And I'd love to have a follow-up conversation, because I think it's important, not only for -- I want for everyone to be aware of what's going on and the opportunities that do reside. This is a a 21st-century opportunity for our children.

COMMISSIONER REARDON: Yes. Thank you.

SENATOR RATH: Thank you, Commissioner.

CHAIRWOMAN KRUEGER: Thank you. Thank

you, Senator Rath.

Senator Rath, I would urge you to also talk to your community colleges, because I think that's also a ripe location for coordinating with workforce development.

I think I'm next on the list. I just have two short questions --

(Loud unidentified sigh.)

CHAIRWOMAN KRUEGER: I'm sorry? I'll call on you next, Senator Serino.

(Laughter.)

CHAIRWOMAN KRUEGER: Sorry. I'm sorry, Commissioner Reardon. I know a number of people raised the ID.me issues, but I have an additional one that my constituents have brought to my attention.

So you go to ID.me and you're opening an account and it's asking you all this confidential information, your Social Security number and everything else about yourself. But then if you go to the top on the first option -- and you'd be likely to press it, because it says ID.me, even though it says in tiny letters "Shop" -- suddenly

you're on a shopping network. And my constituents are concerned that they're giving all their private information to somebody who's actually some kind of retailer trying to suck them into buying things.

And I get, I guess, that companies can have multiple functions on the same website. But perhaps could we get them to -- since I assume you're paying them a decent amount of money for this service, can they at least remove their shopping network website from the ID for DOL website?

COMMISSIONER REARDON: This is news to me. I have not seen that. And they -- it's interesting. So when we -- when we send somebody to ID.me, they get an individual link to follow. So they may be on a general -- they may have gone -- they may have heard about ID.me and gone to their general website. But if they get the individual link, I don't believe that button's on it. So I think that might be part of the problem.

CHAIRWOMAN KRUEGER: Maybe. I guess

I'd have to try to set up an account to test that out. But constituents brought it to my attention, so I do believe they were somehow getting to this.

COMMISSIONER REARDON: And that's odd.

CHAIRWOMAN KRUEGER: And they're concerned about it. And I thought that that was legitimate, because when I went on ID.me, that's where I landed also, at the shopping choices.

COMMISSIONER REARDON: (Inaudible.)

CHAIRWOMAN KRUEGER: Yes. All right. So if you would please take a look at that.

Then you've heard lots of concerns about people not getting back to you when you call, and we go back and forth on that. I'm concerned that this year, instead of automatically mailing the 1099G tax form to everyone who received benefits from DOL, you're telling people through your website they need to reach out to you to request the form, and an option is by phone.

And again, I think everything else I've ever dealt with where tax forms are

needed, it's required that the entity creating the tax form has to send it out, rather than you knowing you need to get something from DOL, then actually getting through to DOL, then getting the form from DOL and then filing it with your taxes.

So can you explain why you changed your policy?

COMMISSIONER REARDON: Sure. So this past year we have over 2 million people who are eligible to download a 1099G. It's a huge volume. And we wanted to make sure we could get them out. We don't print them, it's printed by a sister agency. It's a complicated dance.

We checked with all of our legal people to make sure that was lawful; it is. And we have sent out individual communications, got delivery and texts to every single person. It's also in their personal account for their benefit account. Everybody knows about it. And it's fully automated. They can do it online, and it's pretty simple, you follow the link and it

takes you to the download.

If you want a snail-mail version, you call. But the call is automated. All you do is call and leave your information on the automated system, and that's collected and then it's mailed out.

We sent out the information last week. We already have over -- I think a million people have already downloaded them, so about half of them have already done it within the space of like one week. So it's working pretty well. And I've told them to keep an eye out and see if there are any -- if for any reason it stalls, then we should actually pay attention to this.

Last year we actually had the same system. The number of snail mails was small, but it was 4 million people in the system, so small is a relative number. But it's there, and it is automated. They don't have to talk to anybody. There's a dedicated phone number to automatically say "Send it to me in the mail."

CHAIRWOMAN KRUEGER: Okay, so they're

not just going into the same phone system with everyone else.

COMMISSIONER REARDON: Oh, God, no. We don't.

CHAIRWOMAN KRUEGER: Thank you. That was it for me.

And now Senator Sue Serino.

SENATOR SERINO: Thank you, Senator Krueger. And I have to apologize, I didn't know my volume was on. I hopped off a meeting, because I thought I was next. So sorry about that.

CHAIRWOMAN KRUEGER: No problem.

SENATOR SERINO: Thank you, Commissioner.

As you know, the Department of Labor Wage Board recently endorsed the proposal to lower the overtime threshold for agricultural businesses from 60 hours to 40 hours a week. It's a move that a number of small farmers and farmworkers have been vehemently opposed to. And I'm sure you're aware that farming is not a 9-to-5 job, and this move was just one more blow to the hardworking New Yorkers

who have dedicated their lives to feeding our families.

And given the crisis that our farms are facing right now and the rising costs that we're seeing on food across the board, do you think this was the right move? And as commissioner, are you considering modifying or rejecting the Wage Board's decision?

COMMISSIONER REARDON: So I know that the vote was taken on -- I believe it was Friday evening. And they are writing up a full report, which I will receive in a timely manner, I don't know what the time span is. And then I have 45 days to consider it.

So I'm not at liberty right now to tell you what I'm going to do because I haven't read the report.

I know that this is of great concern to the workers as well as to the employers, and I look forward to reading the report from the Wage Board.

SENATOR SERINO: Thank you. I appreciate that.

And my next question is, you know, I

recently met with a group of parents whose children receive special education services, and they made it clear to me that the state is not doing nearly enough to ensure that kids like theirs have access to work opportunities when they complete their education. I heard story after story.

What would you say to these parents who want to see their children be able to reach their full potential and take on the employment that they need to live independently?

COMMISSIONER REARDON: Great question.

And I spoke to a committee in January about -- or last year, I think, on the workforce of this community, of these communities.

We are part of a very large network of state agencies, federal agencies, not-for-profits who are all engaged in ensuring that people who have either -- you know, have some kind of disability are able to get a job -- get trained for a job, get a job, hold the job, and be treated well in the

job.

And we make sure that our services are available to everybody who comes in virtually at this moment to our Career Centers. That includes people with disabilities. Our career centers all have adaptive technology, and all of our staff are trained on it. And we make sure that everybody is engaged where they are. We don't meet somebody with an expectation -- you do this or you do that -- we do an assessment of each individual and understand where they are in their life, in their education, in their workforce aptitude, in their resume world, and then try to find an appropriate situation for them. And that includes people with disabilities.

I know it's difficult. You know, it's a difficult problem to deal with writ large. But we are part of a large network, and we are very engaged. And if there's more that we can do, please let us know. Because as I say, everybody needs to be successful, not just the ones with access.

SENATOR SERINO: Yeah, I've heard from

many, many parents about this, so I appreciate anything that we can do moving forward. And I'd like to maybe follow up with a conversation with you afterwards.

CHAIRWOMAN KRUEGER: Thank you.

I believe you have an additional Assemblywoman, Assemblywoman Weinstein. I see Assemblywoman Reyes with her hand up.

CHAIRWOMAN WEINSTEIN: Yes, I see Assemblywoman Reyes has raised her hand to speak, so I'm going to call on her.

And we also were joined a little while ago by Assemblywoman Cook.

Karines, the floor is yours for three minutes.

ASSEMBLYWOMAN REYES: Thank you, Madam Chairs. Thank you, Commissioner.

I have some questions related to the New York HERO Act and its enforcement. Just wondering how many cases related to COVID safety have come into the DOL, and how has the DOL been addressing these cases currently? And then what are some of the protocols for investigating complaints?

COMMISSIONER REARDON: So we've handled over 53,000 COVID complaints. That was from the beginning of the pandemic. That's not specifically HERO. The way that we dealt with it was by a compliance model, to make sure that the employer understood the requirements, what they needed to provide to keep a safe workplace for their workers. And an overwhelming majority of them complied.

I mean, to be clear, particularly early on in the pandemic, it was confusing. people really didn't know what they were supposed to do.

The HERO Act really clarifies that you have to have a safety protocol for your workplace, you have to have it publicly available to your workers. And so we go through their workplace plan and make sure that it's everything that it needs to be and make sure that it's clearly communicated with the workers so that they can feel safe in their workplace.

It is still a compliance model. It's the best way to get things done. We don't

really want to fine people, we want them to be able to keep their workplace safe. That's really the focus of doing this.

ASSEMBLYWOMAN REYES: The Governor in her Executive Budget did allocate 12.5 million for the modernization of DOL. How is DOL planning on spending this additional 12.5 million that has been committed by the Governor?

COMMISSIONER REARDON: I'm trying to think what the $12.5 million is.

ASSEMBLYWOMAN REYES: It was $12.5 million for enforcement under policies that we had passed, like the New York HERO Act.

COMMISSIONER REARDON: So I'm not -- you know, I don't know of a $12.5 million budget piece, so let me find out. I mean, we -- as I said, the Governor lifted the hiring freeze, so we are hiring across the board, including in worker protection.

Just a little caveat, when you hire somebody as an inspector, it takes a little while to train them up to the job, because

it's very specific. But they are coming in and going to work.

But let me find out what the 12.5 is.

ASSEMBLYWOMAN REYES: And, you know, part of the HERO Act was to create worker committees and kind of empower workers in the private sector. What has the DOL done in regards to outreach and training for private sector workers across the state under the New York HERO Act?

COMMISSIONER REARDON: So we have given out a lot of information about, you know, the requirements, both to the employers and to the workers. I don't know -- I don't have any numbers on how many workplaces have these committees. It would be an interesting number to know, I just -- nobody has told us yet.

ASSEMBLYWOMAN REYES: Let me get in one last question before my time runs out.

What are some of the requirements and trainings for the DOL staff working on New York HERO?

COMMISSIONER REARDON: How are they

trained?

ASSEMBLYWOMAN REYES: Yes. Is there any specific training in helping them --

(Overtalk.)

COMMISSIONER REARDON: A whole training on what's in the law, the regulations, what kind of requirements are in the law and what they have to look for. It's -- they're trained in how to look at the law and then enforce it.

It's not -- I can get you more detail, but that's pretty much what it is: This is the law, this is how you enforce it.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator Mario Mattera.

SENATOR MATTERA: Thank you, Madam Chair.

And I just want to thank you so much, Commissioner Reardon. You're doing a great job. I mean, you're like answering, you know, ka-pow --

(Laughter.)

SENATOR MATTERA: And I really always appreciate you and seeing you at the apprenticeship dinners that we have. Nothing's crazy at the dinners, but you've always been there, you care about labor, and I just want to say thank you so much for all you do.

COMMISSIONER REARDON: Thank you.

SENATOR MATTERA: A quick question, the percentage of New Yorkers unemployed right now. And, you know, hopefully I'm not being redundant here, but what is the percentage right now of unemployed New Yorkers?

COMMISSIONER REARDON: As of December 2021, statewide, it's 6.2 percent. In New York City, it's 8.8 percent. So New York City obviously has a higher unemployment rate.

SENATOR MATTERA: So, you know, I know enforcement is so important with everything. You know, we have more jobs than there are people right now that are out there. The enforcement, I'm -- just please, we've got to

get enforcement out there, get people -- I'm not saying people don't want to go to work, but it's so important, you know.

One thing about the trades, you know, I've been there a long time, no one wants to be unemployed. You know, when people aren't employed, especially with Plumbers Local 200 and all the building trades, they're hounding us, you know, especially union leaders, to get everybody back out to work. They want to go back to work. I just think enforcement is so, so important that we need the Governor to please put more money in that.

Like I know you're saying that we got to get people trained, to get people -- let's go. I understand this pandemic really hurt us in a lot, a lot of ways. But you know what, we've got to get our workforce back out to work. And I know you're going to be doing a great job with that.

But that percentage right now is very high, Commissioner. We've got to get that down. We've got to get people back out to work.

The last thing I want to say is these bogus apprenticeship programs -- please, I know you work on that. There's a lot of them out there. They're falsifying the Blue Book. I do do a lot of organizing, we have organizers that talk to a lot of people that are in these apprenticeship programs that, guess what, they're not even going and they're bogus.

So we've really got to get -- we need a trained workforce, especially in the construction industry. So I'm just looking forward to that. I know you're going to work hard with that.

COMMISSIONER REARDON: Thank you. Yes. We have lots of regulations on the registered apprenticeships. We enforce them across the board, whether you're a union or a nonunion provider.

SENATOR MATTERA: Again, I'm bipartisan. But please, we've got to make sure that we control that. Thank you so much. And thank you for the hard work that you do.

COMMISSIONER REARDON: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

And I believe to close for the Senate we have Labor Chair Senator Ramos, three minutes.

SENATOR RAMOS: Thank you.

So I want to kick it off, former Governor Eliot Spitzer started the Joint Enforcement Task Force on Employee Misclassification, and the reports from that task force were produced from 2008 to 2015 annually, but we haven't heard from them since. And gig work is flourishing more than ever before. Can you tell us --

COMMISSIONER REARDON: The joint task force is really important. It's still very active. In fact we just had a meeting about it last week to get more people out in the field again.

As you know, it's a joint effort between various agencies, including State, Tax, the Liquor Authority and --

SENATOR RAMOS: Right, but why isn't there a report? I don't have so much time,

so if you would --

COMMISSIONER REARDON: I don't know. Let me find out. I'm surprised that they stopped making the report.

SENATOR RAMOS: Okay. I've asked about this before, and I'm going to keep asking. We're out of compliance here.

Also, with the Postmates decision, I ask you also every hearing -- you've had two years to complete the audit. If it's not complete, what's taking so long? The UI fund is in debt. And, you know, if you're going to tell me that you can't talk about the Postmates decision, can you tell us at least how you've taken these two years to think about the future of these contributions so we can bring our UI fund into financial solvency?

Thank you.

COMMISSIONER REARDON: So you know I can't talk about anything that's still in litigation. And that includes a lot of the gig questions.

That said, we are looking at

everything with a -- you know, a magnifying glass to make sure that people are making the appropriate contributions, that people are appropriately classified.

I do think that the pandemic has actually had a negative impact on workers, in that with the need for cash, many people accept jobs without an employee status. Hopefully as the pandemic abates and people can get regular jobs again, that will subside. But it's never a good thing when that happens. It's an easy way to take advantage of workers --

SENATOR RAMOS: Commissioner, what does looking with a magnifying glass mean in practice? What does that mean that the DOL is actually doing to look towards future --

COMMISSIONER REARDON: We always do audits of our employers to make sure that they are meeting the requirements. And we have a lot of conversations internally about classification and how people fit in or not.

I can't say any more because of the various litigations that are out there about

a lot of the groups involved in this, but it's certainly very high on our radar.

SENATOR RAMOS: All right. Thanks.

Senator Krueger, you're on mute.

SENATOR O'MARA: You're on mute, Liz.

CHAIRWOMAN KRUEGER: Oh, I'm so sorry. Thank you very much.

I was saying that we've gone through the questioners, so we're going to excuse Commissioner Reardon. But we all know how to find you, and we probably will continue to find you. Thank you very much for your work.

COMMISSIONER REARDON: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Next I'm going to call up Rebecca Corso, acting commissioner, New York State Department of Civil Service.

Are you with us, Commissioner?

ACTING COMMISSIONER CORSO: I am. Good afternoon.

CHAIRWOMAN KRUEGER: Good afternoon.

So you have up to 10 minutes to summarize your testimony for us.

And people, please start to raise your

hands if you're going to have questions of the Civil Service commissioner.

Thank you.

ACTING COMMISSIONER CORSO: Okay. Good afternoon, Chairs Krueger and Weinstein, and distinguished members of the Senate Finance and Assembly Ways and Means Committees. My name is Rebecca Corso, and it is my privilege to serve as the acting commissioner for the Department of Civil Service.

I appreciate the opportunity to appear before you to comment on Governor Hochul's Executive Budget for fiscal year 2023 as it relates to the Department of Civil Service, as well as to highlight some of our key accomplishments over the past year.

As the central personnel agency for state government, the Department of Civil Service is tasked with providing critical workforce management services to approximately 70 New York State agencies serving nearly 140,000 state employees. In this capacity, the department is responsible

for the administration of the civil service merit system and ensuring that our partner agencies have the talent to fulfill their core missions and to meet high-priority workforce needs.

Similar services and technical guidance are provided to the 95 municipal agencies across New York State who are responsible for civil service administration of approximately 360,000 local government employees.

Over the past year, as the COVID-19 pandemic continued to impact us all and altered the department's ability to hold large-scale in-person civil service exams, we worked diligently to ensure that state agencies and local governments had the ability to fill critical positions so that there was no impact on essential services.

We expanded the use of online training and experience examinations, as well as other specialized exam holdings. In addition, the department began holding virtually proctored exams, which is part of a longer-term

strategy to streamline the civil service examination process and reimagine and modernize the department's testing program.

The department has been working to identify space to hold in-person exams. I'm happy to say that beginning in October of 2021, we began holding statewide in-person exams, and we're increasing the number held each month. While our first priority is holding exams that were postponed due to the COVID-19 pandemic, we've also been working closely with state agencies and local governments to identify their other high-priority testing needs.

Also, to ensure the health and safety of job seekers, the department implemented a mandatory COVID-19 vaccination and testing policy for all test takers sitting for an in-person civil service exam, and is now offering those approved for a reasonable accommodation the opportunity to take their exams virtually.

The department is also responsible for administering New York State's occupational

health program through medical evaluation and examination services for state agencies. Throughout the COVID-19 pandemic, employee health services clinics and nursing stations continued to provide services to ensure the health and safety of employees.

I am pleased to report that this year's Executive Budget includes several new state workforce initiatives aimed at ensuring that New York State can continue to attract the best and brightest to public service careers. This includes the establishment of new Department of Civil Service testing centers at designated SUNY college campuses, which will make it more convenient for job seekers to take civil service exams within their own community, connect students to state government jobs, and improve overall recruitment and employment opportunities for diverse populations.

Further, through the establishment of a new Test Validation & Evaluation Unit, the department will be able to continually create and evaluate test content to ensure that

civil service exams are maintaining the highest standards of integrity and equity.

Additionally, the Executive Budget advances several pieces of legislation that will streamline hiring practices and make working for New York State more accessible for all New Yorkers, including individuals and veterans with disabilities.

Under Governor Hochul's guidance and leadership, and in partnership with the state's chief diversity officer, the department is also working at both the enterprise and agency levels to strengthen statewide diversity and inclusion and create pathways for better incorporating equal opportunity principles into the vital services delivered to the public.

To that end, the department continues to provide state agencies with tailored feedback and guidance to assist in developing strategic plans that identify obstacles, opportunities, and innovative strategies in diversity and inclusion. Focal areas include outreach and recruitment, retention, policy

development, training, and trend analysis. As you can imagine, these plans are critically important to our shared objective of meeting workforce and community needs throughout the State of New York.

In 2021, the department also continued to deliver its highly interactive implicit bias training to the New York State workforce and launched a new training program for designees of reasonable accommodations, both of which are part of our larger efforts to help cultivate a more inclusive work environment across state government. Since its launch in late 2020, the department has provided implicit bias training to over 21,000 participants across 30 state agencies, and we will continue to expand the suite of trainings available that will facilitate respectful conversations and interactions regarding topics related to diversity, equity, and inclusion.

On the local government front, the department reviewed more than 2,900 requests from municipal civil service agencies over

the past year to support the appropriateness of merit system administration activities and the practicability of examinations for certain titles. I am pleased to report that the department is close to finalizing its comprehensive five-year initiative to conduct technical assistance reviews for all 95 municipal civil service agencies.

Through this effort, which is scheduled to be completed in mid-2022, the department is taking further action to ensure that all HR professionals across the public-sector workforce have a solid understanding of civil service administration, so that we can continue to improve the consistency and quality of HR management across New York State.

In the health benefits arena, the department remains focused on efficiently administering the New York State Health Insurance Program, also known as NYSHIP, through the Empire Plan and regional HMOs, all available under statute or through collective bargaining to approximately

1.2 million state and local government employees, retirees, and their families. As a part of these efforts, the department has continued to offer virtual visits through the Live Health Online telehealth program at no cost to all Empire Plan enrollees, through the duration of the COVID-19 pandemic.

In 2021, the department also implemented several consumer-friendly provisions of the Consolidated Appropriations Act to enhance NYSHIP benefits to enrollees.

In addition, consistent with federal requirements, the department acted quickly to implement programs to provide vaccinations, at-home COVID-19 testing kits, and access to COVID-19 oral antiviral medications at no cost to NYSHIP enrollees.

In 2022, the department will continue to identify ways to improve services to enrollees while protecting the state's taxpayers through cost-effective management.

As you can see, the initiatives highlighted today reflect the department's commitment and focus to building back better

and modernizing the state's approach to meeting our workforce needs.

Last but certainly not least, I would like to take a moment to extend my sincere appreciation to all the staff at the Department of Civil Service for the work that they do to meet our mission of building tomorrow's workforce today, and to all state employees for their unwavering dedication to serving their follow New Yorkers during these unprecedented times.

I look forward to working in partnership with all of you to advance a shared vision for a top-tier workforce to deliver critical services to New Yorkers. Thank you for the opportunity to appear before you today. I'm happy to address any questions you may have at this time.

CHAIRWOMAN KRUEGER: Thank you very much, Commissioner.

And we're going to start ourselves off with Senator Robert Jackson, chair of the Civil Service Committee.

SENATOR JACKSON: Thank you,

Chair Krueger.

So good afternoon, Commissioner, and welcome aboard.

ACTING COMMISSIONER CORSO: Thank you.

SENATOR JACKSON: I understand that you were a deputy commissioner for several years, and now you're the acting commissioner?

ACTING COMMISSIONER CORSO: Yes.

SENATOR JACKSON: I wish you much success on behalf of the administration but, more so, the employees that work in the State of New York.

And my question is, I've heard that attracting and retaining state employees is becoming more and more difficult. What is the department's position on adjusting the Tier 6 pension plan to address this? Workers are paying increased contributions based on mandatory overtime. Others, with eight or nine years of service without being vested for benefits in the state plan, are leaving for the private sector, who offer higher salaries and immediate pensions. Not only

that, I've heard from employees it's terrible. It sucks, and even I heard that from some of my employees that are in Tier 6.

Can you shed some light on this, please, if you don't mind?

ACTING COMMISSIONER CORSO: Sure, I'd be happy to.

As you know, the state has a benefit package that, while Tier 6 may not be as robust as previous years, it's a very robust benefit package for new employees coming into New York State. And other parts of the private sector, public sector, nonprofit sectors don't have those benefits available to their employees.

So this really truly is a good benefit that we offer to our employees that we continue to think is valuable.

SENATOR JACKSON: Well, it may be valuable in some respects, but it's not valuable as far as the pension is concerned. And I know that. I'm a former state employee myself, from 1975 to 1980, and came from the City of New York. And they told me that I

could go into Tier 6, and I said huh-unh, I don't want it. So I went for the deferred compensation program as a result of that.

But my second question is, we're hearing that parole officers have significantly high caseloads -- in some instances, a ratio of 40 to one. Now, why isn't the state hiring more parole officers to help these individuals transition back from incarceration to communities?

ACTING COMMISSIONER CORSO: As you know, Governor Hochul is committed to increasing the state workforce back to pre-pandemic levels. So my understanding is that in all areas across state agencies, that they are increasing their workforce to meet these critical needs.

So I don't specifically know, for the Department of Parole, what they're doing as it relates to their specific workforce, but the Governor has given the authorization, has eliminated the hiring freeze so that agencies do have the ability to hire.

SENATOR JACKSON: Okay. I will follow

up on that.

And my next question is so I hear that Part T of PPGG, employees hired under Section 55B and 55C of the Civil Service Law will be allowed to transfer into competitive class positions as long as they meet the requirements for competitive examination.

Does this mean that they do not have to take any exams or are automatically hired? Or do they -- are they placed on a hiring list with a certain score? Who decides which 55B/C employees can move into the competitive class? And you can answer that specifically.

ACTING COMMISSIONER CORSO: Sure.

So in the 55B and 55C program, the state is authorized to hire 1200 individuals in the 55B program, individuals with disabilities, and then 500 individuals, veterans with disabilities, into specific jobs as long as they meet requirements in terms of being able to show proof of their disability.

And they are typically entry-level jobs. And what happens is while individuals

that go into those jobs can get promoted up through the particular title series in which they were hired into, they don't have the same ability that other competitive employees do, individuals that came in through the competitive track, to transfer into other competitive positions at the same grade level where they might have the qualifications to go into those positions.

So what this legislation would do would be allow those individuals to be able to transfer. And then, in order for them to continue to move up into the state service, they would obviously have to take exams just like everybody else does.

This would just essentially give them the same ability and career mobility that competitive employees have.

SENATOR JACKSON: Was there a report that was due? And if so, what happened to that report? Has it -- you know, why are changes being made before the report is issued?

ACTING COMMISSIONER CORSO: I'm not

sure what report you're referring to. But we did not have a report as it relates to the 55B/C workforce due.

SENATOR JACKSON: I'll ask staff to follow up on that with you specifically.

Despite severe staff shortages from COVID-19 challenges, state workers have successfully kept service running throughout the pandemic. Yet agency workers continue to see noncompetitive and exempt appointments for open positions -- with knowledgeable, experienced employees in the civil service positions being stagnant and with limited promotion opportunities.

Career advancement is a key factor in retention. Why are we not doing more to promote from within and invest in our own state workforce before hiring externally?

ACTING COMMISSIONER CORSO: Well, I believe we are investing in our state workforce. And again, you know, going back to Governor Hochul's commitment to bring the workforce back to pre-pandemic levels, there was a hiring freeze in place for a very long

time which --

SENATOR JACKSON: That was under a previous governor, is that correct?

ACTING COMMISSIONER CORSO: Under the previous Governor, there was a hiring freeze in place in which employees were not able to be promoted.

Under the current Governor, the hiring freeze has been eliminated, so those opportunities are available.

And I'd just like to remind you that the state workforce continues to be approximately 80 percent competitive, and it has been at that level for quite some time. So I'm not sure -- when you are referring to more people going into noncompetitive, I don't see the data that supports that.

SENATOR JACKSON: Even under the previous governor? I mean, obviously those are little -- the percentages are lower than competitive-class employees as far as examination. But I'm saying to you, compared to -- the previous governor versus the commitment by this Governor to be -- open up

the opportunities for state employees.

ACTING COMMISSIONER CORSO: I don't have the data for the previous governor. But I can tell you that the current Governor is committed to, you know, providing those opportunities.

SENATOR JACKSON: I like to hear that. That's good.

So I ask again, the Governor has proposed adding, quote, unquote, fellows programs to hire individuals outside of the civil service system at the Office of Information Technology to develop a short-term, quote, unquote, SWAT team.

What is the department's view on this proposal? And should we have any security concerns that short-term, non-civil service employees gain access to the state's confidential IT system?

ACTING COMMISSIONER CORSO: Well, I would defer to the CIO regarding the security of information in the IT systems.

But as far as the -- you know, that opportunity, I think that it's just another

tool in our toolbox, as the state agency, the state workforce to be able to provide opportunities to bring new talent, new energy, new ideas into the state workforce.

Again, most of our workforce continues to be competitive, but we want to continue to bring new individuals into the state workforce, and this is just another tool for us to be able to do that.

SENATOR JACKSON: Can you, you know, tell me a little bit more about the Office of Diversity and Inclusion Management? And what is the goal of that particular program that the Executive proposed 1.6 million in new funding for the creation of this particular program?

ACTING COMMISSIONER CORSO: Sure. So the Office of Diversity and Inclusion Management was actually created out of Executive Order 187 from 2018. And so that department was established within the Department of Civil Service.

The funding that you're referring to in the Executive Budget is not to establish

that office, it's --- that is essentially to move the funding out of administration and line it out as a specific program within the Department of Civil Service. And the reason for that is because the Office of Diversity and Inclusion Management is not an administrative function of this department. It is a program -- just like testing, just like staffing, just like the employee benefits division -- that provides critical, critical services to state agencies in this area, as it relates to diversity and inclusion.

And so our goal is to work across agencies in helping them in the development of their strategic plans around diversity, inclusion and equity, so they can ensure that they're doing all the right things in their agencies in this area.

It's also to provide training to those agencies. As I mentioned in my remarks, we've provided training, implicit bias training to 21,000 employees across state agencies, and we're continuing to do more.

And agencies continue to be interested, really interested in this training.

We are working on -- we do recruitment and outreach across the state to identify and to find talent to come into the state workforce --

SENATOR JACKSON: Commissioner, I'm sorry, I have just nine more seconds. If you can tell me quickly what's the goal before we move to the next questioner, if you don't mind.

ACTING COMMISSIONER CORSO: The goal is to increase diversity and to promote inclusion in the state workforce.

CHAIRWOMAN KRUEGER: Thank you.

SENATOR JACKSON: Thank you, Commissioner. Thank you, Madam Chair.

CHAIRWOMAN KRUEGER: Assembly.

CHAIRWOMAN WEINSTEIN: We go to our Government Employees chair, Assemblyman Abbate, for 10 minutes.

ASSEMBLYMAN ABBATE: Thank you very much, Helene.

And thank you and good afternoon,

Commissioner. I was happy to hear your explanation from my counterpart, Senator Jackson, on the Part G Article 2 -- Article VII bill.

But let me ask you a question on -- the Executive is proposing $120 million in the Healthcare and Mental Hygiene Fund. I'm just curious, what role would the Civil Service Department be playing? And who will be eligible with this fund?

ACTING COMMISSIONER CORSO: Thank you for your question.

The decision around the individuals that will be eligible for that bonus will be determined by the Commissioner of Health. Now, our role at the Department of Civil Service will be to work with the commissioner to identify which titles within the state workforce could be eligible for those bonuses.

But it will be up to that commissioner to determine which titles would be eligible.

ASSEMBLYMAN ABBATE: And, you know, the Executive also recommends 20,000 new

hires during this fiscal year. Do we know which positions and which are the most difficult to recruit, and who will be -- how we'll be working to recruit those people back?

ACTING COMMISSIONER CORSO: Sure. There's a number of areas which typically tend to be difficult to recruit. Those would be those in the -- nurses, you know, direct care positions, and others that are more at the front lines. Those tend to be our most difficult positions to recruit.

As far as what we're going to be doing to get people back, I think those healthcare and mental hygiene retention bonuses get at that. That's one of the reasons why the Governor has included those retention bonuses in the Executive Budget.

In addition to that, we are doing pay differentials so individuals -- this year's Executive Budget includes pay differentials for individuals who work a day shift who are not eligible to receive a pay differential that other individuals who work evening or

weekend shifts are entitled to receive. So if they're asked to take on a different shift, they're not entitled to receive that differential pay.

So that is also to get at how we can -- how to recruit those individuals into the state workforce.

ASSEMBLYMAN ABBATE: Sure. Okay, yeah.

And going back to the Article VII, Part T, I just wondered maybe offline we could have a conversation to make sure that we abide by all the, you know, statutory rules, constitutional and that. But again --

ACTING COMMISSIONER CORSO: Absolutely.

ASSEMBLYMAN ABBATE: -- we'll try to do that.

ACTING COMMISSIONER CORSO: Absolutely. I'd be happy to.

ASSEMBLYMAN ABBATE: Sure. Thank you very much.

CHAIRWOMAN WEINSTEIN: Okay, back to the Senate.

CHAIRWOMAN KRUEGER: Thank you very much.

And now we have Senator Diane Savino.

SENATOR SAVINO: Thank you, Senator Krueger.

Thank you, Commissioner. A lot of the questions I had have been covered by Senator Jackson and Assemblyman Abbate, so I'll just hit on a couple of points. I'll ask you the same thing I've asked every commissioner of Civil Service, and that is, what are we doing about succession planning?

As you know, I heard you say that the Governor, you know, is committed to repopulate the agencies back to pre-pandemic levels. But, you know, to quote my colleague Senator Jackson, that sucks. Because we are at the lowest point we've been in more than 30 years.

Just to give you a couple of statistics, OCFS is 30 percent down from 2011, and that has a direct effect on, you know, vulnerable populations.

We're looking at -- some of the

agencies are 15 percent down, 18 percent down. The Department of Transportation is 18 percent down from 2011. DOL, 32 percent down. And we've seen the effect just this year when we needed DOL at its highest point, the ability to deliver unemployment insurance to people in desperate need.

The Department of Civil Service itself, 35 percent down since 2011. The Department of Health down 13 percent. DOT, 18 percent.

So what are we doing to repopulate these agencies back to where we were before the hiring freeze went into effect? Because we have an aging workforce and we have a whole new set of demands and we have a whole new set of skills that people need to develop. So that's the first question.

The second thing is I notice in the Governor's proposal she has a new $2.2 million in funding for the creation of a Test Evaluation & Validation Unit. I'm just trying to figure out, what exactly are we validating and evaluating with respect to the

tests? What are we looking to do?

And I'm a 31½-year civil servant. I'm a staunch defender of the civil service merit system. So whatever I think people are tinkering with the system, I get a little -- my antenna goes up.

So tell me, what are we trying to do here? And how are we protecting and making sure that the civil service merit system remains what it is, which is the entry point into government service and everybody, you know, is able to compete fairly against their peers in a blind way.

So those are my two questions.

ACTING COMMISSIONER CORSO: So absolutely. If you don't mind, I'll start with that question. Because I think, you know, you're saying all of the right things. We want to make sure that we are maintaining the integrity of the civil service system.

And so that's why I think that the Test Evaluation & Validation Unit is really important, and I think it's something we absolutely should be including in the

department to maintain the integrity and equity in the system.

You know, the department has the ability to look at our exams -- as we hold exams, and to do sensitivity reviews and to analyze the exam data after we hold an exam to see how it worked with certain populations, was it a good question, a bad question, are we using questions that are current and valid based on the careers and the work that individuals are doing in certain titles?

And we have done evaluation and validation studies on a deeper level, more analysis, for police and firefighter titles at the local level. And we think we should be doing this for all of our titles, because it allows us to make sure that we are updating our data, updating our exam questions, and that we are making sure that we're not unfairly discriminating against or making it more difficult for any populations to get into the state workforce.

So I think we should be doing this

because I think it's good for diversity and inclusion. And it's important for the integrity of the civil service -- maintaining the integrity of the civil service system.

As far as succession planning is concerned --

CHAIRWOMAN KRUEGER: You know what, Commissioner, I apologize, I have to cut you off even though I do think -- I'm going to take a question later, and you're going to answer me with the succession planning. Okay?

ACTING COMMISSIONER CORSO: Sounds good.

SENATOR SAVINO: Thank you, Senator Krueger.

CHAIRWOMAN KRUEGER: All right, thank you.

Chair Weinstein.

CHAIRWOMAN WEINSTEIN: We go to Assemblyman DeStefano, the ranker on Government Employees, and he gets five minutes.

ASSEMBLYMAN DeSTEFANO: Thank you,

Chair Weinstein.

A couple of questions. Regarding the Governor's budget, the proposed budget of reducing the corrections in the state by 1100, in the beginning when we were told that the jails were going to be closing, it was kind of implied that the officers, the correction officers would not be losing their jobs but they would be having a chance to relocate. Has any of that been done? Or is this just a blanket "we're going to lay off 1100 of these corrections officers"?

ACTING COMMISSIONER CORSO: Well, the budget does not assume laying off any corrections officers.

ASSEMBLYMAN DeSTEFANO: It does say reducing the workforce by 1100. That's what I saw.

ACTING COMMISSIONER CORSO: That's through attrition. The assumption is there will be some people that decide to retire, that will decide to go on to other jobs.

But there is a process in place that the Department of Civil Service works with

the Department of Corrections and Community Supervision to offer services to the employees to tell them what their options are, what other titles are available, positions that are available that they could go into. And then once they are offered those opportunities, to the extent that they take them, they can go into those other positions.

But to the extent that they don't want to or decide not to, then they would be placed on a reemployment list for the future.

ASSEMBLYMAN DeSTEFANO: Do you believe that number is attainable, or do you think it's going to be forced?

ACTING COMMISSIONER CORSO: I can't comment on that. I don't --

ASSEMBLYMAN DeSTEFANO: Okay. Moving along with -- as many people in this room know, my daughter is a registered nurse. She unfortunately has to relocate to another state to be successful in her career.

My question to you is, you know, pre-pandemic or even after the start of the

pandemic when we were told that if you didn't vaccinate, you were going to lose your job, I can remember many parades that we were having around the state for the healthcare workers as essential and heroes. What do you think -- how do you think a majority of the workforce feels knowing that a lot of them have left because they were told if you didn't vaccinate, you had to leave?

Do you see that as a problem, or is that something that could be corrected? What's your thoughts?

ACTING COMMISSIONER CORSO: Well, I can't comment on what people think about this policy.

I do know that the Department of Civil Service supports the policy for vaccination across the healthcare workforce. But I can't comment on how other people might feel about that.

ASSEMBLYMAN DeSTEFANO: But earlier you said that, you know, we were trying to amp up the employment of our healthcare workers and things like that. But by losing

them, at some point you've got to get back to zero and start over again. So how do you propose to get the people back to numbers that were pre-pandemic because of things like the mandated vaccines?

ACTING COMMISSIONER CORSO: I believe that's what the worker retention bonuses are intended to get at.

ASSEMBLYMAN DeSTEFANO: But that's a one-shot deal, correct?

ACTING COMMISSIONER CORSO: As far as I'm aware, that's a one-shot, yes.

ASSEMBLYMAN DeSTEFANO: Okay. So when that runs out in a couple of weeks, what's to incentivize them to stay?

ACTING COMMISSIONER CORSO: Again, going back to the fact that New York State, as an employer, is a great employer to work for. We have a robust benefit package that employees can avail themselves of. We have a retirement plan that's available to them, to the extent that they want to stay in the state workforce until they retire.

So that there are many benefits

associated with being a state employee.

ASSEMBLYMAN DeSTEFANO: Okay. What agencies do you see as getting replenished to where they were pre-pandemic? Is there any specific agencies that you believe will be able to attain that goal?

ACTING COMMISSIONER CORSO: I believe that all agencies will be able to attain that goal.

ASSEMBLYMAN DeSTEFANO: But you also said that it was hard, you know, getting people to come, for various reasons. What's the plan? What's the plan? The incentivization, that's the plan? Is that it?

ACTING COMMISSIONER CORSO: It's to incentivize, it's to recruit, it's to go out and try to encourage individuals to come into the state workforce.

I know as far as I can speak to the Department of Civil Service and what we're doing is we're going to work with -- you know, we're creating a partnership with SUNYs and holding exams at SUNY campuses across the

state so that we can build relationships with those campuses and encourage students to learn about what it means to be a public servant and to work for New York State and opportunities that are available to them.

ASSEMBLYMAN DeSTEFANO: Well, as a product of the civil service system myself, spending 30 years in county government, the way that it's proposed is that there are lower-paying jobs for security. Would you say that that's still in play, or you think that that's changed somewhat?

ACTING COMMISSIONER CORSO: There are lower-paying jobs in security where?

ASSEMBLYMAN DeSTEFANO: In -- when you take a civil service test, that's generally lower-paying than if you worked in the private sector, but you took it for the security of -- you know, benefits and retirement, things like that.

You think that still applies?

ACTING COMMISSIONER CORSO: It's the entire package that you have to look at. You can't just look at the salaries. Because

there still is tremendous value to the benefit package that goes along with being a state employee.

ASSEMBLYMAN DeSTEFANO: Thank you, Commissioner.

CHAIRWOMAN WEINSTEIN: Thank you.

Back to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator Ramos.

SENATOR RAMOS: Thank you, Senator Krueger.

Hello, Commissioner. I want to start by asking about policies for pregnant people.

CHAIRWOMAN KRUEGER: And I'm sorry, Senator Ramos, you just have three minutes here because you're not the chair of Civil Service.

SENATOR RAMOS: Okay. Well, I hope they'll start again.

CHAIRWOMAN KRUEGER: So let's start the clock again, yes, thank you.

SENATOR RAMOS: All right.

So pregnant people without disabilities do not meet the current state

standard for reasonable accommodation to stay away from public-facing work, despite the CDC citing them at higher risk for severe illness from COVID-19. Contracting COVID during pregnancy leaves an increased risk for pre-term birth, stillbirth and other pregnancy complications. Yet I had a public employee speak to me about being six months pregnant and being forced to go into work and catching COVID.

Given this immunocompromised state, what accommodations are allotted to pregnant people who work in high-exposure environments in your agencies?

ACTING COMMISSIONER CORSO: Sure. So a reasonable accommodation is intended to provide -- you know, it has to be reasonable. So to the extent that an individual -- and it also has to look at the operational needs of an agency.

If someone has their employer -- and I'm not sure what kinds of types of positions that you're speaking to in this case. But if it's required that the individual has to be

in the office and can't work remotely because operationally that's not possible, then that's one situation. But then to the extent that they have to be in the office, then they have to provide them or offer them a reasonable accommodation.

So someone who is pregnant and may be at higher risk -- and I would -- I can't speak to whether or not the individuals who are pregnant are actually eligible for reasonable accommodation. I can't speak specifically to that. But certainly the agency would have to look at that situation to see if they could maybe have that person be socially distancing --

SENATOR RAMOS: I'd like to reach out to you about the case. You're not actually answering my question, with all due respect, Commissioner.

I mean, the truth is you have no policy for pregnant people. And, you know, pregnant people are -- who aren't getting any accommodations and aren't -- you know, even if they're seeking one, are being denied and

are contracting COVID on the front lines. And that's something that I want you to be, you know, very concerned with.

I'm going to ask you about OPWDD closures. We know that more than 90 operated homes for the developmentally disabled are in the process of closing, if they haven't already, and it's displacing hundreds of individuals with developmental disabilities. What steps are you taking to offer more civil service tests to hire workers to serve this population?

You know, I talk about the lack of psychiatric beds a lot and how this contributes to our general public safety. I think this is a huge role that you play here. How can you help us ensure that we're, you know, not promoting the closure of these homes?

ACTING COMMISSIONER CORSO: Sure. We are working very closely with OPWDD on the administration of their civil service exams for the upcoming year. So we're working very closely with them on that.

CHAIRWOMAN KRUEGER: That is at zero. Thank you.

Assemblywoman?

CHAIRWOMAN WEINSTEIN: We do not -- oh. Aha. We do have an Assemblywoman. Assemblywoman Reyes, for three minutes.

ASSEMBLYWOMAN REYES: Thank you. Thank you, Commissioner.

So as you know, we have a severe nurse shortage at SUNY hospitals, partly driven by low pay compared to private institutions, and then part of it is the less-than-adequate recruitment efforts. When can we expect to see exams being offered at state universities more consistently?

ACTING COMMISSIONER CORSO: Well, the nurse titles are actually continuous recruitment, so they are able to continually recruit and test for those titles.

ASSEMBLYWOMAN REYES: And are they being offered more readily at SUNY institutions?

ACTING COMMISSIONER CORSO: They are offered on a regular basis. I don't know

specifically what the -- if they're offered weekly or daily, but they are offered on a regular basis for all nurse positions.

ASSEMBLYWOMAN REYES: I would like more information on what "regular" means.

ACTING COMMISSIONER CORSO: Yup.

ASSEMBLYWOMAN REYES: And what is the Civil Service Department doing to expand advertising for these exams to low-income and other communities, to expand the potential pool of applicants?

ACTING COMMISSIONER CORSO: So with -- the Office of Diversity and Inclusion Management has worked very closely with agencies to identify their most critical positions, including nurses and other positions across the state that we can go out and do recruitment events for.

So we identify recruitment events that are available in various communities throughout the state, and then we make sure that we have a presence there so that people can find out about the opportunities that are available to them.

ASSEMBLYWOMAN REYES: Any extraordinary or deliberate efforts being made to recruit nursing staff specifically?

ACTING COMMISSIONER CORSO: We will work -- from the Department of Civil Service? No. But I'm sure that the agencies have their own recruitment policies in place that they're recruiting for their titles as well.

ASSEMBLYWOMAN REYES: Thank you.

ACTING COMMISSIONER CORSO: You're welcome.

CHAIRWOMAN KRUEGER: Thank you.

I'm going to just take a couple of minutes to follow up on the questions about succession, Commissioner.

So I think you've heard from several people we're really very concerned that we don't have the staff coming into state government that we need for our future or even for our current demand.

And so you've talked about expanding and reaching out to the college campuses, making it easier to take the tests. Are other states having these same problems? And

what more can we be doing or should we be doing?

ACTING COMMISSIONER CORSO: Well, I think there's always more that we can be doing. And I think that's what this Executive Budget is getting at.

As you said, you mentioned the SUNY partnerships that we have. And other initiatives included in the budget such as the continuous recruitment Article VII.

Continuous recruitment will allow -- you may know that right now you can only do continuous recruitment for specific titles that are hard to recruit. But we think continuous recruitment should be done for any title as needed. That way, as state agencies have a need, they have a new initiative or they have a specific need, that they can go out and do targeted recruitment for that particular title and then they can test for and then get individuals into the workforce faster.

CHAIRWOMAN KRUEGER: Okay. I'm just seeing whether -- and in follow-up, is that

what other states do? Have you looked at what other states are doing to speed up their ability to bring on new workers?

ACTING COMMISSIONER CORSO: I cannot speak to what other states are doing.

CHAIRWOMAN KRUEGER: Okay. All right. I think there are no more hands up --

Oh, I'm sorry, Senator Jackson does have the opportunity for a three-minute follow-up, and I see his hand up.

So Senator Jackson.

SENATOR JACKSON: Thank you, Madam Chair.

So Commissioner, let me turn back to the nurses. You're the commissioner and you were a deputy commissioner for a while. Do you know what the salary grade for nurses are in the agencies? It's my understanding that the nurses earn so much less compared to private industry, and in fact that even nurses that are being recruited as agency nurses are earning more than our nurses.

What are we doing to increase the salary for nurses? Not a reclassification,

but a reallocation, in order to make sure that we're saying to these individuals that are saving lives of New Yorkers, we appreciate you and you deserve more money.

ACTING COMMISSIONER CORSO: We did do an analysis, a study on the nurse titles. And as a result of that, we did increase -- or we did provide a salary differential to nurses across the state. So that is something that the Department of Civil Service has already done.

SENATOR JACKSON: Yeah, but a differential is only for geographical areas. In my opinion, every -- the entire State of New York, especially rural areas where it's even more difficult, the salary grade needs to be increased. And not just a geographic deferential.

ACTING COMMISSIONER CORSO: That's an analysis that would really need to be done across the workforce, in that sense.

SENATOR JACKSON: Well, Commissioner, if it needs to be done, all you have to do is visit anywhere in the State of New York and

you speak to the nurses there, and they will tell you what it's like.

I'm telling you, I hear it all the time, and I'm in New York City. Okay?

ACTING COMMISSIONER CORSO: Understood.

SENATOR JACKSON: And then let me go back to the question I asked earlier. The Governor signed legislation in 2021, Chapter 710, that requires a study due on December 22 to examine 55B/C. And I had asked you that before, and you said you were not aware of what study.

You said that the state benefit package is not as robust as previous years when asked about Tier 6. My question on Tier 6 is have you heard about that Tier 6 is not as good as it should be, and is anything being discussed at your level in order to address the issues and concerns that employees are making about Tier 6?

ACTING COMMISSIONER CORSO: So going back to the 55B/C, yes, that study was just recently passed. When you asked the

question, you were referring to something that was already due. That was why I wasn't -- I wasn't understanding what you were referring to.

But I'm absolutely aware of the study that is due in the future.

As far as your question about Tier 6, Tier 6 is not something the Department of Civil Service is responsible for determining. We don't oversee that program. So I certainly can't speak to -- you know, any further on Tier 6.

SENATOR JACKSON: Okay. But Commissioner, you're the commissioner of Civil Service, and you're hearing what's bad. Are you -- who do you communicate with? The Governor, is that correct? About the fact that you must have heard from people even in your office Tier 6 is terrible and about nurses being underpaid. And that's just giving you a couple of examples.

And I'm -- because I'm telling you I'm hearing it. And I want to know what's being done to address that so people can be able to

live in New York and work in New York State and be able to afford to pay rent, pay for their home, you know, educate their children, so forth and so on.

ACTING COMMISSIONER CORSO: Understood. This is something we can continue to discuss in the future.

SENATOR JACKSON: Okay, I appreciate it. And as the commissioner, we look forward to working with you in order to make sure that our employees are being well taken care of.

ACTING COMMISSIONER CORSO: Thank you.

SENATOR JACKSON: Thank you.

Thank you, Madam Chair.

CHAIRWOMAN KRUEGER: Thank you, Senator Jackson.

I believe that everyone who had their hand up got their questioning time in. Yes, Assemblymember Reyes had come and gone already, so to speak.

So I'm going to excuse you, Acting Commissioner Corso. You may likely get follow-up questions from some of the

panelists from the Assembly and the Senate.

And now I'm going to call up Michael Volforte, New York State Governor's Office of Employee Relations, director.

And are you with us?

GOER DIRECTOR VOLFORTE: I am.

CHAIRWOMAN KRUEGER: Hello, how are you?

GOER DIRECTOR VOLFORTE: Good. My block is moving around, so it's --

CHAIRWOMAN KRUEGER: I know, it happens all the time. We just wander around confused.

GOER DIRECTOR VOLFORTE: I'm not the center square, so --

(Laughter.)

ACTING COMMISSIONER CORSO: -- moving around, so --

CHAIRWOMAN KRUEGER: I do call this Hollywood Squares, yes.

So you have up to 10 minutes to summarize your testimony for us and then take some questions from legislators who will raise their hands if they wish to ask you

questions.

Thank you, Michael.

GOER DIRECTOR VOLFORTE: Thank you.

Chairs Weinstein and Krueger and honorable members of the Assembly and Senate, my name is Michael Volforte, and I am the director of the Office of Employee Relations. Thank you for the opportunity to address you on Governor Hochul's Executive Budget proposal for fiscal year 2023 as it relates to our agency and the state workforce.

Over the past year, we have continued to assist agencies in meeting their needs to help the workforce through the continued pandemic. As all of you know, our workforce has performed remarkably throughout the pandemic. Since we last spoke, tens of thousands of frontline workers have continued to be on the job every day throughout this pandemic, and many more volunteered for on-going pandemic response, like our state-run vaccination sites.

Under Governor Hochul's leadership, we have continued to mount a robust response to

the pandemic. In recent months, under the Governor's leadership, we have been central in implementing the state's evolving requirements for certain employees to be vaccinated for COVID-19 or to be tested for it on a weekly basis.

We are continuously in touch with our union counterparts regarding their COVID-19-related concerns. And while we don't always agree, we're all working in good faith to help navigate this unprecedented situation, and we respect their efforts and their representation of our employees.

Throughout this pandemic, our agency has been a resource for managers in state agencies, fielding thousands of inquiries regarding how to apply policies that are designed to keep our employees safe and keep critical services and programs running. Recently, for example, we've responded to many inquiries regarding workplace application of recent DOH guidance on quarantine and isolation as they relate to the workplace, as well as other inquiries

about workplace rules governing masks. Agencies were recently directed to begin offering appropriate masks to employees.

During the past year, we transitioned from our emergency statewide telecommuting policy to agency-administered policies. Almost every agency now offers eligible employees the ability to telecommute for a portion of their workweek.

We also continued to take other steps that recognize the tireless effort of so many state employees. Many state employees during the pandemic were unable to use vacation accruals due to work in response to COVID-19, and accruals were set to expire. We negotiated an extension of the expiration date with the unions that represent them so that employees would have the opportunity to utilize that leave.

An increasing number of employees taking advantage of our flexible spending accounts -- pre-tax programs designed to allow employees to pay for certain eligible expenses on a pre-tax basis -- were impacted

by the pandemic. In response, our office implemented several changes to permit participants to use their funds to the greatest extent possible. We allowed carryovers in 2021 and 2022, and we allowed employees to use their balances in future years and added changes adding eligibility for dependents who would otherwise age out.

In addition, with our unions we worked closely with union joint committees on health benefits to continue our telemedicine pilot program, add eligibility for dependents who would otherwise age out of certain dental procedures, worked closely to bolster mental health access, and keeping the unions informed of federal and state mandate changes as it relates to health insurance and COVID-19.

In addition, in collaboration with those union counterparts, we continued many other programs that provide important benefits to our workforce. In the last year our Employee Assistance Program rendered valuable assistance to over 22,000 state

employees working and coping with the pandemic. We also distributed over 7,000 job and career tuition benefit reimbursements in the past year.

While much of our focus has been on aiding the response to the COVID-19 pandemic, we have continued to administer benefits and programs that are designed to improve both the quality of the work and personal lives of our employees.

As you know, we investigate complaints of protected class employment discrimination and harassment in executive branch agencies covered by Executive Order No. 187. In addition to investigating such complaints last year, in December GOER provided a series of live webinars to train all senior agency executives on the state's anti-discrimination policies and procedures.

This year's budget proposes a substantial investment in our resources to quickly investigate the increasing number of complaints we are receiving and train state employees by adding 30 FTEs to our agency,

and additional funding. This proposal in our budget will also help us meet the Governor's commitment to providing live anti-discrimination training to state employees, rather than the current computer-based training module.

While we don't comment in detail on our currently open negotiations, we are currently in bargaining at various stages with three unions for successor agreements to their expired contracts. Under the Governor's leadership, our approach to bargaining is straightforward and equitable: We will make responsible investments in our workforce that are fair to employees and ensure that state government continues to provide outstanding services to all New Yorkers.

Further, the Governor has recognized the importance of investing in the workforce. In the budget, the Governor has proposed creating bonuses for critical frontline healthcare and direct care workers employed by not only the state but by other public and

private employers. The proposal is for a bonus of up to $3000 in total, geared toward the recruitment and retention of individuals to fill these important roles.

In closing, despite the challenges of the past year, executive branch employees have continued to deliver services critical to New Yorkers. And we look forward to another year of continued partnership with our union counterparts as we move forward under Governor Hochul's leadership.

CHAIRWOMAN KRUEGER: Thank you very much.

Our first questioner will be Senator Robert Jackson.

SENATOR JACKSON: Thank you.

And good afternoon, Director. How are you?

GOER DIRECTOR VOLFORTE: Good afternoon. How are you, Senator?

SENATOR JACKSON: I understand you've been in that position a while. You're a very experienced person in state government. Is that correct?

GOER DIRECTOR VOLFORTE: I've been around for a little while, yes, sir.

SENATOR JACKSON: That's good. Good experience.

GOER DIRECTOR VOLFORTE: I think our paths have even crossed in your former life as well, Senator.

(Laughter.)

SENATOR JACKSON: You're right. You're right.

Let me just ask a couple of questions. You talked about contract negotiations with labor unions. In the State of New York, how many unions do not have an active contract right now and in essence you're negotiating with them?

GOER DIRECTOR VOLFORTE: We're currently negotiating with three unions.

SENATOR JACKSON: And which ones are they?

GOER DIRECTOR VOLFORTE: We're negotiating with CSEA, Council 82, and we are in the closing stages with PBA-NYS, which reports agency police.

SENATOR JACKSON: Okay, very good.

And considering the fact that I understand the state is flush with money at this point in time, where the Governor is proposing to put away for rainy days -- which is a good thing -- hopefully negotiations will end soon with those several unions.

GOER DIRECTOR VOLFORTE: We remain open to deals with everybody. And, you know, where we ultimately wind up is the give-and-take of negotiations and we will get there with all of those unions.

SENATOR JACKSON: I hope so.

So also now, as far as COVID-19, my understanding is that state employees are expected to get to work. Do you have a situation where people can work at home several days and come into the office, or deal with people via Zoom or conference call, rather than exposing themselves to a variant that is quickly spreading around? Even though statistically, based on the numbers, it's decreasing at this point in time compared to several weeks ago. And mainly

because, in my opinion, one fact is the extreme cold weather.

GOER DIRECTOR VOLFORTE: As you know, the overwhelming majority of our state workforce comes into the work setting every day and has throughout the entire pandemic.

The remainder that might be in an office-based setting, almost every single agency currently has a telecommuting policy, and under those, those agencies determine who's eligible and who's not eligible to work. And typically there are a number of days per week that those individuals can telecommute so that they're only in the office setting a portion of their workweek and telecommuting, working from, you know, an alternate location the remaining part of the week.

SENATOR JACKSON: Now, as far as the Executive Budget proposed an increase in workforce and appropriations authority of over 30 percent for anti-discrimination and training initiatives. Who is going to be running that statewide? Is that in your

shop? And how many people are involved in that unit?

GOER DIRECTOR VOLFORTE: There are -- that is involved in part of GOER. It's a unit that was created in 2018 via the transfer of individuals.

Currently we're at 35 individuals staffing, and that unit will continue to be administered and overseen out of GOER.

SENATOR JACKSON: Okay. That's all I have for this moment; I may come back.

Thank you. Thank you, Madam Chair.

CHAIRWOMAN KRUEGER: Thank you very much.

Assemblywoman Weinstein.

CHAIRWOMAN WEINSTEIN: Yes, we go to our Government Employees chair, Assemblyman Abbate.

ASSEMBLYMAN ABBATE: Thank you again, Helene.

And Director, just two questions. You went over the 3.1 million, 35 percent increase and, you know, 30 new positions for the anti-discrimination unit. And then the

employee training program. Do we know how many cases -- anti-discrimination cases have arisen this year?

GOER DIRECTOR VOLFORTE: We -- in 2021 we received approximately 2,000 complaints. They're not all -- they're all complaints, and they all get looked at and investigated, but not all of them are discrimination complaints.

We -- sometimes people complain to us and they're just not discrimination complaints. But they're all looked at, they're all analyzed, they're all discussed with the agencies, and the agencies are aware of them.

So the -- but that same unit needs to look at every single complaint to ensure that they're not, but they look at about 2,000 complaints a year now.

ASSEMBLYMAN ABBATE: And what was it the year before? Do you have a number for that?

GOER DIRECTOR VOLFORTE: A year into the pandemic was -- the last year before that

was at least a couple of hundred less. The numbers -- the exact number's escaping me, Chair.

ASSEMBLYMAN ABBATE: Do you notice any trend going in any direction, where they're coming from and --

GOER DIRECTOR VOLFORTE: I think the biggest trend, I would say, is that I think the trend with -- where we saw events over the past year with the racial justice movement. I think that those types of cases have increased over the past year or so in terms of the overall proportion of it. So that would be the biggest trend.

And then, as you might imagine, larger agencies have larger numbers of cases just because that's where the majority of our workforce is.

ASSEMBLYMAN ABBATE: So you mentioned that, you know, you're going to be giving different classes and more structure. Is there any other investigating -- is there any other enforcement that you'll be doing other than just investigations?

GOER DIRECTOR VOLFORTE: Well, the goal of the investigation is to find out conduct that violates policy and doesn't violate policy.

For the conduct that violates the policy, what happens then is the agencies take action against the employees depending on the severity of the conduct -- which for a lot of our workforce means filing charges against the employee if the conduct is severe enough to warrant discipline, and bringing those charges before arbitrators and finding out if they're actually guilty of the conduct and then getting penalties imposed.

So it's not just concluding investigations. And my staff play vital roles in terms of -- with the agencies in terms of going over those investigations with the agencies so that they can structure those charges and then actually becoming witnesses at those proceedings when employees are prosecuted.

ASSEMBLYMAN ABBATE: Okay. And on the model employee training program, do we know

what percentage of the additional funding would be going to set that up and how much it might cost in the future to run them?

GOER DIRECTOR VOLFORTE: I don't think we have a percentage now. Certainly to go from a entirely computer-based training module to live training is a large undertaking. The goal is to hire staff who will take some roles in the training and allow other current investigators to take roles in the training. But we're going to have to have more than just the investigators and trainers at GOER training, so we're going to have to have a variety of models.

But overall, the $3 million will be devoted towards individuals who will -- you know, through the investigations we hope to lower the number of complaints, through the training we hope to lower the complaints. But I don't have an estimate on the percentage of it. We would expect in years future, at this point, that we would be able to continue whatever we stand up out of that current-year appropriation.

ASSEMBLYMAN ABBATE: Okay. Well, thank you very much.

GOER DIRECTOR VOLFORTE: Thank you, Chair.

CHAIRWOMAN KRUEGER: Thank you.

Our next speaker is Senator Jessica Ramos, the chair of Labor. Three minutes.

SENATOR RAMOS: Thank you, Chair.

CHAIRWOMAN KRUEGER: You're welcome.

SENATOR RAMOS: Hi, Mr. Volforte. Nice to see you.

GOER DIRECTOR VOLFORTE: Good afternoon, Senator.

SENATOR RAMOS: I wanted to ask about your office, the Office of Employee Relations, because your office's budget has been largely flat over the years. And, you know, what role will the 30 additional employees that's being proposed at OER actually be doing? And I'm wondering if you can tell me how many of your staff currently work in anti-discrimination roles.

GOER DIRECTOR VOLFORTE: Sure. We have current staffing levels of 35 in

anti-discrimination roles. That's the unit. That wouldn't include me overseeing it. But that includes the entire staff, from the director of that unit down to administrative staff.

We have more hires currently in process. Those 30 would all be targeted in that unit. Their primary role will be investigations. And then in that unit they will also be involved in the training of the state workforce, as will others as we develop and round out that program.

So ultimately if we used 35 today, plus the 30, we would be at 65. But we'll be a bit above that with current hires in process.

SENATOR RAMOS: Thank you, Commissioner. And in the minute and a half I have left, what's being done about employee retention? You know, we've seen severe layoffs and folks leaving their jobs behind. What's your plan to keep them here serving the people of New York?

GOER DIRECTOR VOLFORTE: Certainly as

current negotiations go on, those retention topics are front and center of all of our negotiations. We strive to do the best job we can, in cooperation with the unions that we negotiate with. And as we lead through future negotiations, we'll be addressing retention from the negotiated perspective those things that we have to negotiate or should negotiate to increase retention of employees and attract other employees to the state workforce.

You know, we've got -- in many areas we've got generous benefits. You know, we've got, you know, very high end health insurance. We do have Tier 6, which was the subject of some conversation. I recall when I came in, Tier 4 was pooh-poohed, and now Tier 4 looks like the Cadillac of the healthcare system. So I remember those conversations.

But it's, you know, a strong, defined benefit program. And we have things like time off. A seven-year employee gets 20-plus vacation days a year. So I think we'll work

with the unions and we'll get there.

SENATOR RAMOS: All right, thank you.

GOER DIRECTOR VOLFORTE: Thank you, Senator.

CHAIRWOMAN KRUEGER: Thank you very much.

Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Griffin, three minutes.

ASSEMBLYWOMAN GRIFFIN: Thank you, Chairs. And hello, Director Volforte.

I have a couple of questions, but my first is with -- I know you are in negotiations with the PBA of New York State. And I know it's been a long time that they've been working on a contract. And I just wondered -- I'm not sure what you're able to disclose, but what plans do you have to address the high rate of attrition and then the problems recruiting?

And one of the big reasons is like after five years, they have a 50 percent rate of attrition because they don't have nearly the same benefits as other police. They get

paid at a much lower rate, they have lower benefits, and they also -- their pension is longer, it's 25 years instead of the 20 that most other agencies have.

So I just wondered, what plans do you have for that?

GOER DIRECTOR VOLFORTE: So we're -- you know, I won't comment on the specifics of where we are, but we're -- I would say that we're in the end stages of negotiations with them which will address their compensation from 2019 forward, they're caught up, so to speak, in terms of a bargaining agreement or a compensation agreement up through 2019, which was the result of an interest arbitration award.

We're hopeful that we will have a successfully negotiated and ratified agreement with them very shortly, and we think that that agreement will address a lot of recruitment and retention issues and attract them.

You know, certainly, you know, the issue of -- other issues as they arise, we're

always open to discussion. You know, negotiations do take a while to get through. And, you know, but once we are done negotiating, the proverbial door doesn't shut and we constantly evaluate and look at other things which, you know, improve the work life of those individuals, improve the services that they deliver, which lead to more attractive roles.

So we'll continue to work with them towards that over the coming years.

ASSEMBLYWOMAN GRIFFIN: Thank you, I appreciate that. And I just wanted to say I appreciate all of the Park Police and University Police too. You know, we don't realize through the years there's been more and more demands put on them. There's like -- even with COVID, our local state park has been, you know, millions -- well, not millions, but so many people come and there's limited Park Police, so they have to work that much harder to ensure safety at campgrounds, at park grounds, and there's just much more entailed. There's much more

going on at universities. So I think it is, you know, important to make those negotiations really count.

Quickly, my other question is just a quick question. A lot of constituents have asked me if CSEA will be giving any retirement incentives.

GOER DIRECTOR VOLFORTE: I couldn't comment on retirement incentives, since they're not negotiated. So it wouldn't really fall under my bailiwick.

ASSEMBLYWOMAN GRIFFIN: Okay, thank you so much.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator Diane Savino.

SENATOR SAVINO: Thank you, Senator Krueger.

Good to see you, Director.

So I'm going to follow up where Assemblymember Griffin left off. I would imagine you would consider yourself an expert on the Taylor Law on what's called mandatory

permissive and prohibitive subjects of collective bargaining, wouldn't you?

GOER DIRECTOR VOLFORTE: I think I'm versed in it.

SENATOR SAVINO: You're pretty well versed in it. So I'm going to read you the memo -- a veto message that the Governor issued with respect to a series of pension enhancement bills at the end of 2021. And it was the same veto message for all the bills. One of them was for the University Park Police, one was for an MTA bill, one for -- et cetera.

And it says: "All of the workers covered under these bills provide significant service to New Yorkers. I'm proud that the retirement benefits provided them under state law are significant and generous. However, any change in retirement benefits like these should first be negotiated through the collective bargaining process before legislation is introduced. I believe the collective bargaining process is the best way for employers to reach agreements on work and

pension benefits. I'm also aware that for certain groups of state employees covered by these bills, there's a growing concern about the current level of retirement benefits and its impact on the agencies' ability to recruit and retain the best officers. For that reason, I want to bring all impacted parties together next year to discuss how to best improve recruitment and retention in New York State so we have the best and the brightest."

Now, you and I both know that pensions are prohibitive subject of collective bargaining. They cannot be negotiated in a contract. You can discuss them and agree to jointly come to Albany and seek legislation together, and that is often what happens. But as you know, you cannot put them in a contract.

So my question to you, Director, is number one, have you advised the Governor of the error of her veto message that in fact you can't negotiate these things in contracts? And two, has she called together

a group of people to negotiate or to discuss how to arrive at improving our pension system so that we can recruit and retain the best and the brightest, as it says so in her veto message?

GOER DIRECTOR VOLFORTE: I think the answer to both parts of your question are with your last statement.

So the veto message was issued in 2021. It's now 2022, we're in budget season. I don't think that folks have been called together yet, so it is this -- we are in the next year but we're only, you know, a small portion through the next year.

And I think the Governor's veto message is best interpreted as an indication -- I'm sorry?

SENATOR SAVINO: Bad advice, is how it should be best interpreted.

GOER DIRECTOR VOLFORTE: No, it's an invitation to discuss the issue because these issues, like in the past, like under prior Governors, when there were changes, they were discussed at the bargaining table and there

was that joint discussion and bringing it forward for legislation.

So I think that's the spirit in which it's offered.

SENATOR SAVINO: But, Director, you can't negotiate it in a contract. And so what I would suggest is based upon this veto message, you go back to your principal, which is the Governor, and let her know that that was an error and that in fact her intent, where she wants to be able to recruit and retain the brightest, we all agree that we need to do something to improve the pension package that is now offered to employees, because Tier 6 ain't cutting it. And the system we have now in place is not sufficient. And I say that as a person who is a Tier 4 member who fought to increase and improve the Tier 4 that we had before.

My time is up now, but I just thought it was important that you, as the person who should know this best, advise the Governor that she was given bad advice when she issued that veto message.

Thank you.

CHAIRWOMAN KRUEGER: Thank you. Thank you, Senator Savino.

And I believe that our list of questioners is complete for you, director, and so thank you very much for your time with us today. We will excuse you.

GOER DIRECTOR VOLFORTE: Thank you very much.

CHAIRWOMAN KRUEGER: And we are now -- thank you. For people tracking, we are now moving on to our panels of nongovernment representatives.

And to remind everyone of the rules of the road, the panelists will each speak. They each get three minutes. Then our questions are limited to three minutes each because, for people who didn't read the whole schedule today, we have two back-to-back hearings today and we'll probably be here till very, very late at night.

So the first panel -- and I think you should just plan on speaking in the order that I call you up -- the Civil Service

Employees Association Local 1000, Joshua Terry, legislative director of AFSCME; the New York State Public Employees Federation, Randi DiAntonio, vice president; the Organization of New York State Management Confidential Employees, Barbara Zaron, president; and the Retired Public Employee Association, Executive Director Ed Farrell.

Hello, everyone. We'll start, again, with Civil Service Employees Association.

MR. TERRY: Thank you, Chairwoman. Thanks for inviting us to testify today.

I'll start by saying this budget is really a refreshing change from those of previous years. I don't have to talk about closures in OMH or OCFS or DOCCS or service cuts in OPWDD or cuts to AIM or attacks on the benefits of our retirees. But I'm happy to discuss what this hearing is supposed to be about, and what it's labeled, which is the development of our workforce for future years.

This budget does a few things. It acknowledges the need for investments in the

state and local governments. Secondly, it recognizes the sacrifices made by our direct care workers -- not just during the pandemic, but for the past 20 years when the state has divested from staff and programs. And lastly, it sets the stage to rebuild our public workforce.

We do appreciate this proposal, but we know that we need to do more to recruit and retain employees throughout the state. Public-sector employees are leaving at a fast clip, and nearly every part of the workforce is facing shortages. We know we don't have enough direct care workers, causing massive levels of mandatory overtime, which causes burnout and turnover, and then more burnout, and then more turnover. But at the end of it is the inability for residents to get the services that they need.

The State Department of Transportation cannot compete with private transportation companies such as Amazon, UPS or FedEx. This has led to fewer plow drivers, which, during storms like we saw this past weekend, can

lead to delays in plowing and unsafe road conditions. And lastly, we know about the bus driver shortage many districts are facing, which led some to call for bringing in the National Guard to transport our kids to school.

But the answer to getting more employees into these roles is not that complex. It has to do with increasing the pay and benefits to recruit and retain. So how do we do this? Well, we need an honest assessment of the career paths, compensation and benefits that are offered. Years ago there was a clear tradeoff coming into the public sector: I will make less money, I will accept a lower salary, but I will get really quality health benefits and an awesome defined-benefit pension that will carry me through retirement.

But that's changed. That's why CSEA strongly supports changes to the state pension system, specifically Tier 6, so that it serves as an actual recruitment tool for new employees and to help retain existing

ones. Under Tier 6, employees have to work longer and pay more in order to receive a smaller benefit at the end of their career. It does not serve as a tool to recruit employees into public service, especially when the private sector can pay significantly more than public employers.

We can't kick the can down the road anymore. We can't allow our agencies to go another year without making these investments, both on hiring more staff but giving them the resources and the benefits package that will actually recruit workers into the system and retain the ones that we have. And we really look forward to working on that with all of you this coming year.

Thank you.

CHAIRWOMAN KRUEGER: Thank you very much.

Next, Randi DiAntonio.

MS. DiANTONIO: Good afternoon, distinguished committee members. I echo everything that CSEA just mentioned about the things that are being put into the Governor's

budget. We appreciate that.

But given the time constraints, I'm going to cut to the chase. You know, New York State agencies are seriously short-staffed. The decade of closures and cuts and consolidation has taken its toll, and COVID just magnified an existing crisis. While we appreciate the lifting of the hiring freeze, and that's great, it is not an immediate fix to slow the current hemorrhaging of the state workforce.

To give an example, state employees worked 19 million hours of overtime last year, at a cost of $850 million. Our members are exhausted. They're burned out, they're frustrated with the lack of staffing, the lack of resources, the lack of professional respect. The morale is lower than we've ever seen it. And we've all read the papers and seen the news; we are simply not able to provide the levels of care that we need to to the unemployed, the seriously mentally ill, the developmentally disabled, and on and on.

Speakers before me mentioned that the

Department of Labor is down 33 percent in staffing. And while we're grateful hiring has restarted, many of those hires are temporary, which is somewhat ironic.

The frustration of New Yorkers waiting for services mirrors the frustration of the workforce. You know, we can't do all the things we want to do for incarcerated individuals, for the mentally ill, for the infrastructure, if we don't get staffing and resources. And we are incredibly pleased that the Governor has advanced a proposal in the budget that gives us real opportunity for change. We have monies to fix this. The question is, are we going to direct them to the right places?

There is retention bonus monies for healthcare workers, and we recognize and support them, and we think that's great. But RNs are a Grade 16, and we have to do better than that. There are loan reimbursement programs, but they're limited to only a handful of people.

And we have other heroes who worked on

the frontline who will not be getting those bonuses at this point, and we're asking that the Legislature look at that.

We also have a civil service system that frankly, despite what was said, most employees lack confidence in. The system is easily manipulated to let people who have friends get to jobs that they, you know, may not be necessarily qualified for. And we want to build a pipeline, and to do that, we have to accelerate testing and hiring and interviewing and on-boarding so that it's efficient and we don't lose qualified candidates. We have to improve the Tier 6 pension plan, as everybody mentioned. And even though we have a robust time off and healthcare system, time off is not worth much if you can't get the day off because there's not enough staff.

We need OPWDD to stop closing state-operated group homes. We've lost a hundred in the last two years. We can restore state-operated mental health, reject design-build.

Privatization is not working out, it didn't work then, and we need this to be reversed. It's really time to fund our future. Thank you.

CHAIRWOMAN KRUEGER: Thank you very much.

Our next speaker, Barbara Zaron.

MS. ZARON: Thank you so much for the opportunity to talk to you today about several of our concerns about inequitable treatment of state MC employees.

MCs are found in all agencies in a wide range of salary grades, from Grade 6 to M8, the entire spectrum. They span every occupational group in state service, fill a critical role in managing services to the residents of New York, yet they're consistently treated differently than their union-represented counterparts, to their detriment.

Governor Hochul proposed a budget that includes increased spending and investment for many critical programs and services, but has overlooked this critical and, yes,

essential segment of the workforce. MC employees are used to being treated in a disparate fashion. Last year they received performance advances and longevity payments, but didn't get the 2 percent salary increase received by most of the workforce represented by nine unions. This year, employees represented by seven unions are getting a 2 percent increase; the other four unions are in negotiation; but there's no increase authorized for MCs.

They are getting angry and frustrated, especially in view of all of the additional demands they're facing, the stresses of workplace safety, and other COVID-related processes and requirements, telecommuting, understaffing, and a range of other issues relating to making the government work.

We've talked to GOER on a regular basis throughout the year about salary -- obviously, we have no ability to negotiate a contract -- but have only received noncommittal responses. We recently wrote to Governor Hochul and copied Director Mujica

and Director Volforte about the salary inequities, retiree pay parity, and a variety of other issues. And yes, we even talked about succession planning in our letter.

There's no bill yet to provide salary increases for MCs. Typically it's done by attaching the MC bill to a union-pay bill. So we hope that the union negotiations go well and we can see a pay bill soon.

Since we're not facing financial disaster this year, we believe this is the time to fix the ongoing long-term inequities, and we ask your action to pass the following two bills: Senate 2866, which is our retiree pay parity bill; and Senate 5727, which would provide for equitable and comparable treatment of MCs.

We look forward to passing these bills, and we certainly are available for lots of further discussion. I want to thank Senator Gounardes for his work with us on civil service and pensions, and welcome Senator Jackson as chair of the Civil Service and Pensions Committee, and we look forward

to working with you.

Thank you so much.

CHAIRWOMAN KRUEGER: Thank you very much.

And are we also joined by Ed Farrell? I don't see his name in a box. Ed, are you with us? Well, I think not --

THE MODERATOR: He is here, but trying to get his video and audio started.

CHAIRWOMAN KRUEGER: Very good.

(Pause.)

THE MODERATOR: Mr. Farrell, you are up.

CHAIRWOMAN KRUEGER: Hello, are you with us, Mr. Farrell? I'm afraid not.

(Off the record.)

CHAIRWOMAN KRUEGER: You know what, I'm going to hand it to questioners and if he pops up, we will let him join, of course.

MALE MODERATOR: Senator, I believe he's back in the hearing now.

CHAIRWOMAN KRUEGER: Okay. Thank you, Ian.

Mr. Farrell, are you there?

MR. FARRELL: Yes, I am.

CHAIRWOMAN KRUEGER: Oh, good. All right.

MR. FARRELL: I apologize for that, I don't know what happened. But I am here now.

CHAIRWOMAN KRUEGER: This is life on Zoom. It happens.

(Laughter.)

MR. FARRELL: First of all, Chairs, thank you for the opportunity to participate in this joint hearing.

You know who we are. There's roughly 500,000 retirees in the state retirement system. You see us in your districts, we're a good part of the community, we pump $12 billion into the state's economy every year. Like Josh, I want to thank you for your past support, and I don't have to talk about things I talked about in the past. The Governor has not proposed any cuts in retiree NYSHIP benefits, so that's good.

One thing I do want to talk about and raise the level of awareness, and it has to do with the pension COLA, which has not

changed in 22 years since it was first enacted. And contrary to the name, it's not a real COLA, it's half a COLA. Whatever the rate of inflation is, pursuant to statutory language, we would get half of the rate of inflation -- not to exceed 3 percent, never less than 1 percent.

The pension fund is now almost a hundred percent funded, which is incredible, and it totals -- let's see -- 268 billion. So we think it's time to go back and look at the COLA formula. We can certainly do it when we get to 100-percent funded, and do it, make an adjustment to something which has not changed in 22 years. We think it's an important thing to do.

One other thing we call to your attention, and it has to do with skilled nursing facilities. We talked about this in the past. It's got to be a tiny budget add. If you are in the Empire Plan and you are Medicare-primary and you have to go to one of these facilities, you only get 20 days worth of coverage. If you're in the Empire Plan

and you're not retired and you need to go to one of these facilities, you get 120 days coverage. In the same plan. It makes no sense.

We've raised this with the prior Governor's office. We think it's blatant discrimination. We're in the same system, but if you're on Medicare, you get an incredibly diminished benefit. It makes no sense.

We mentioned the survivors' benefits. We also think that the people who are in NYSHIP, retirees, you know, we pay the IRMA surcharge, which we get reimbursed for, but there's also a surcharge as it relates to prescription drugs, which the state does not reimburse. The Department of Civil Service doesn't define prescription drugs as a health benefit. Most other people would think that's not the case. So we think language needs to be added to clarify that.

We support everything Barbara said about the MCs. We think it's something that could be addressed and should be addressed in

this budget.

So I thank you very much for the opportunity. And I apologize for having disappeared there.

CHAIRWOMAN KRUEGER: Not a problem. Thank you very much. Glad you got here on time.

Senator Jackson, first questions.

SENATOR JACKSON: Well, first -- thank you, Madam Chair. First let me thank all of you as representatives of CSEA, PEF -- my union -- and OMCE, your Organization of Management Confidential, and retired employees.

Let me just say this to you, that we need you to help us focus on the issues and concerns -- I'm no longer, for example, on the ground -- in the agencies, in the departments, in the facilities. So you are on the ground, and the employees that you represent. So we need to work in a coalition in order to push the agenda forward on the various things that we've been discussing.

I appreciate the opportunity to, one,

be a State Senator that was formerly in state service. Besides that, I worked for a labor union for 23 years. And so I know the issues and concerns, but I have not been on the ground in several years. But I'm hearing loud and clear about Tier 6, about nurses not being paid enough and, as a result of that, people are coming in and earning almost twice as much as they're earning from a salary point of view. Totally unacceptable.

So I look forward to working with you. Please communicate with us -- when I say "us," all the legislators -- about what we need to do in order to push the agenda to ensure that our employees are being treated fairly and the packages that they receive is equal to anyone else, so that we can be proud of who we are as state employees, whether we're CSEA, PEF or Management Confidential.

I don't have any questions at this point in time, but I want to work with you in order to push the agenda, especially now, when the state is flush with money.

CHAIRWOMAN KRUEGER: Thank you. Thank

you, Senator Jackson.

Assemblywoman Weinstein, do you have any Assemblymembers? I think you do.

CHAIRWOMAN WEINSTEIN: Yes, we do. Assemblyman Ed Ra, three minutes, our ranker.

ASSEMBLYMAN RA: Thank you all. Good to see you all.

Just wondering if -- on behalf of I guess in particular CSEA, PEF, Management and Confidential -- anybody can comment regarding remote work and any ongoing discussions and what you guys would like to see with regard to that.

MS. DiANTONIO: I'll -- unless somebody else wants to go first, I'll go first.

Telecommuting for our members, in the titles that were able to do it, was extremely productive. They were extremely proficient at getting the work done on behalf of New Yorkers. And frankly we believe not only during COVID, as a safeguard, it should have been maximized to the extent. Which in some agencies it was, at the beginning, but it's

been rolled back to the point where it's not, you know, for the most part in all agencies.

But it is something that we believe as a workforce retention and recruitment tool, it is going to be the wave of our future. We have many, many titles that are able to do a yeoman's job at getting the state's work done remotely. And there's a lot of benefits in terms of cost, both on the work/life balance side, but also to the state.

And so we would like to see that as a tool being used moving forward. But we also have to recognize that many agencies are being quite stingy with it and not using it for functions that clearly can do the work. And that's something we're going to be discussing and trying to negotiate, both at the agency level but also in discussions with all of you.

(Overtalk.)

ASSEMBLYMAN RA: Anything from CSEA with regard to that?

MR. TERRY: Thanks, Assemblyman.

I guess all I'll say on this is for

the most part for the CSEA members, we -- our members went to work every day because we do the direct care, we're in facilities, we're in institutions, we plow roads. So the vast, vast majority of our membership never stopped going to work.

And so this issue for us is not as big a one as I know it is for PEF. And so I'll yield to what they have to say about it from their perspective. But it's just not as big of an issue for us.

ASSEMBLYMAN RA: Thank you. I think, you know, as was said, even looking at it from a retention and recruitment standpoint, you know, I think we're starting to see this even within the Legislature, especially younger people coming into -- who are looking for that type of flexibility. So thank you.

MS. ZARON: May I just add to --

ASSEMBLYMAN RA: Sure.

MS. ZARON: We've had some positive feedback from many members where the program in telecommuting was implemented in a fair and equitable way, and we have had complaints

on the other side where people felt that they were not treated fairly in comparison with other folks in the workforce.

So while we would support telecommuting -- it is the way of the future -- we always are concerned that the employees are treated in a fair and equitable manner. And I think we have work to do to make sure that that happens.

ASSEMBLYMAN RA: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Pete Harckham.

SENATOR HARCKHAM: Thank you very much, Madam Chair.

Good afternoon, everyone. Thank you all so much for your testimony.

Want to talk a little bit more about the bed closure issue and outsourcing. As a couple of you mentioned, in the last decade we saw severe disinvestment in our human resources side, and we saw vast closures of mental health beds, OPWDD state-run facilities, OCFS.

(A) What has that done to your

membership over the last 10 years? And (B) was the private sector able to absorb those patients and those folks who needed care when those facilities were closed?

MR. TERRY: Thanks, Senator, that's a really great question.

I mean, as you've said, over the last -- since 2014 we've lost over 20 percent of our in-patient Office of Mental Health beds, across the whole system. And I guess as to whether the private sector, the private industries have been able to cover that, I think we can say unequivocally no, they have not. I mean, I think we see it in our county jails, where there are thousands of people awaiting -- you know, needing mental health treatment but they cannot get it. The same in our state correctional facilities, and the people who unfortunately live on our streets that are homeless. There is not capacity in the not-for-profit sector to offer all of these people care.

And the state system was always there in order to be the safety net to ensure that

everybody had a place to go, and that's -- we've lost that. We lost sight of it for the last, you know, more than a decade -- it's been longer than that that we've been divesting from this system. But we really need to make a concerted effort to reinvigorate our systems and open up -- you know, if we need new health treatments, if we need new models, then let's start doing them. But it can't be only on the not-for-profit sector to do it. They cannot sustain it.

MS. DiANTONIO: And if I might, to just add to that --

SENATOR HARCKHAM: Please.

MS. DiANTONIO: -- I work in OPWDD, I'm a social worker by trade. And in our system we've lost probably over 3500 beds just in the last nine to 10 years. Most recently, about 100 group homes have closed on the state-operated side because of not only staffing shortages but failure of the state to keep up with the facility management side -- so debilitated homes, to the point where they become unsafe.

And frankly, people are falling through the cracks. Those on the waiting list are not getting services. But we also have incredibly high-need individuals who are not being adequately served, and they too are falling through the cracks.

And as far as the workforce, I think -- you know, for a lot of us, we went into this field for a reason, and it really -- it's devastating to many of the professionals that are not being given -- allowed input into some of the placements that are being done. They're just disregarding treatment professionals and the needs of the individuals to sort of deal with the crisis we're in.

And I think it would be much better for everyone if we all came to the table and worked on this as a team, versus it being dealt with in the crisis model it has, so ...

SENATOR HARCKHAM: Thank you both very much.

CHAIRWOMAN KRUEGER: Thank you, Senator Harckham. And I believe our last

testifier is Senator Ramos.

SENATOR RAMOS: Thank you, Chair Krueger.

I wanted to ask Mr. Terry from CSEA, as we know, OCFS has seen a decrease of nearly 30 percent in their budget over the past decade. Can you tell us a little bit about how these budget cuts impact childcare workers? I'm very focused on universal childcare this year, as you might know, and I'm just wondering if you can share the experience of a childcare worker that's a CSEA member right now and what that means in terms of their health and well-being with these cuts.

MR. TERRY: Great. Well, thanks, Senator.

So as everybody might not know, CSEA represents about 10,000 home-based childcare providers. And while I think some of the cuts that we referred to in our testimony have to do more with the state-operated side of OCFS, the juvenile justice facilities, the cuts that have happened have affected the

childcare industry.

They have not had a raise for subsidized children in a decade. They have not been able to expand -- we've had 1500 facilities close, of our group homes, of our childcare centers over the last two years since COVID started.

So, I mean, the divestment that we talk about in state operations also goes into the human services, which is -- we will submit testimony on next week, or later this week, rather, to talk about it in more detail. But it runs across the board, I think, in terms of what we're facing that we need to take what we have now and make massive investments in both public services and human services across the board.

SENATOR RAMOS: Thank you.

And Ms. DiAntonio, from PEF, you know, I'm carrying a bill called Treatment, Not Jails that would provide diversion treatment programs to people dealing with mental health and addiction crises who come in contact with the criminal justice system.

Which investments does the state, you feel, need to focus on in order to get people the help that they need? What cuts in services have occurred over the past 30 years that have exacerbated the current mental health and addiction crises? One thing I talk about a lot is the defunding of psychiatric beds. Can you just talk a little bit about it from the PEF perspective?

MS. DiANTONIO: Sure. So as you know, we've lost over 6,000 in-patient psychiatric beds since probably around 2009. You know, those beds are reserved for the most seriously mentally ill. And often for people who are mentally ill, they end up getting caught up in the criminal justice system and in other systems because they don't have the access to services they need.

You know, we have been talking about, you know, the need to hire into the Office of Mental Health, to reopen some of those mental health beds. But also, just as importantly, we have downsized our community mental health crisis teams. So a lot of the services that

our ACT teams did -- which are staffed, by the way, with licensed social workers, registered nurses, community mental health nurses, nurse practitioners, people who have specialized expertise in this field -- and we've outsourced them to private agencies.

And frankly, I'm a human service person. Those jobs are generally entry-level. You have someone who goes into a human service field and they get hired to do case management, and they're going out to try and help the most severely impaired people. And it doesn't work. And we've seen it over and over again where people fall through the cracks.

We need a serious reinvestment and reevaluation of the mental health system. It is not a bad thing to have every level of care, including in-patient services. I think a diversion program is appropriate. As a social worker, we see many people who end up in the wrong system of care.

But in order to do that effectively, you really need to invest into the public

sector state workforce, because we have the most seasoned and experienced professionals. We don't have the same turnover rate. And often this is a niche, working with people with these kinds of issues. And I would encourage folks to really reevaluate who gets the funding for that work, because again, if the private sector was able to do it, we may not be in the situation we're in, since we've seen 10 years of disinvestment and reinvestment into that sector.

CHAIRWOMAN KRUEGER: Thank you. And thank you --

SENATOR RAMOS: Thank you so much for your expert opinion, Ms. DiAntonio.

CHAIRWOMAN KRUEGER: Thank you both.

All right, with that, we're going to thank this panel for their participation, and thank your members for their hard work. And retirees, thank you for your hard work all the years you were working for us.

And I'm going to call up the next panel, the Manufacturers Association of New York, Martha Ponge, director of

apprenticeship programs; ALIGN-NY, Maritza Silva-Farrell, executive director; and the NEW Pride Agenda, Elisa Crespo.

And we'll just take you in that order, starting with Martha Ponge. I don't know if I'm pronouncing that correctly, sorry.

MS. PONGE: Close enough. Pon-jee. Thank you very much, though.

Thank you all for the opportunity to speak with you again today about the Manufacturers Alliance Intermediary Apprenticeship Program.

As we enter 2022, apprenticeship will continue to be the gold standard of training for our employers, while supporting access to high-tech, high-paying jobs for all individuals, regardless of their work experience or their qualifications.

Manufacturing and other high-tech fields are emerging successfully from the pandemic, but they're coming with significantly greater employment needs than they ever had before. This is going to require an even larger investment in

apprenticeships to meet the increasing demands of our manufacturers.

So a few highlights I'd like to share with you. Late last year, MACNY was named a partner in the GAINS Project. GAINS stands for Growing Apprenticeships in Nanotechnologies and Semiconductors. It's the only program of its type in the nation, and it targets those sectors that support our national security and our global competitiveness. As the Governor positions New York State to be a leader in the semiconductor fab area, MIAP will be a leading partner in this effort.

MACNY and the alliance partners are continuing to focus on programs that help our youth recover from the pandemic and get them on the road to success with some type of competitive edge. Our alliance partners in Rochester are providing youth apprenticeship opportunities at 30 companies for over 350 students in 2022. And that's an increase of 100 percent from the previous year, which is just amazing.

MACNY recently announced a similar youth program launching in 2022, and all with a laser focus on students from minority and low- and moderate-income communities.

Our continued work with the Developmental Disabilities Planning Council and the University of Rochester and our Project Search to Apprenticeship is combating the unemployment rate for individuals who identify with intellectual and developmental disabilities. It builds upon a model that's been utilized by high schools nationally, and it's creating pathways into advanced manufacturing and other high-tech fields. It's a three-year grant and it will expand the state's technical pipeline as well as position New York State as a model for employment of individuals with disabilities.

And rounding out our commitment to building diversity, equity and inclusion in registered apprenticeship is Operation Next. And Op Next is a partnership with the Department of Defense which will serve

transitioning soldiers and their dependents, and we'll be training them for the most-in-demand manufacturing jobs. Leveraging the success of MIAP, we are going to position these individuals to move into apprenticeships in New York State, which for us means keeping talent local.

There's no doubt that social and economic disparities still exist across the state, and MIAP continues to work diligently so that all New Yorkers will have access to high-paying, high-quality jobs. And we're very thankful to the Legislature for restoring our funding each and every year.

However, our funding has remained flat for the past few years at $750,000, and was once again eliminated in the Executive Budget. To continue this highly successful and effective program and meet the growing needs across the state, as illustrated in my testimony, we respectfully request a modest increase to $1 million in funding to sustain and further grow MIAP.

And I want to thank you again for your

continued support of this program, and enjoy the rest of your day. So thank you.

CHAIRWOMAN KRUEGER: Thank you.

Next up we have Maritza Silva-Farrell.

MS. SILVA-FARRELL: Good afternoon. Thank you so much for allowing me to testify this afternoon.

My name is Maritza Silva-Farrell. I am the executive director of ALIGN-NY. ALIGN leads the Essential New Yorkers Coalition, a statewide group of over 75 labor unions, worker centers, immigrant rights advocates, legal services providers, occupational health and safety groups, and neighborhood-based community organizations that fought for the NY HERO Act.

Our coalition represents millions of essential workers across the state, mostly Black and Latino workers who have been on the front lines of this pandemic for over two years, keeping us safe and healthy and keeping our economy moving. We cannot look at the disproportionate impact that COVID-19 has had on communities of color without

looking at the lack of workplace protections for Black and brown workers.

The NY HERO Act protects these workers by creating a permanent airborne infectious disease standard for all private sector workplaces in the state. We've learned so much about the importance of masking, distancing and ventilation in stopping the spread of airborne diseases. NY HERO codifies these lessons into law. It also gives workers a voice on the job by mandating that employers participate in employee-initiated health and safety committees.

But passing this law is not enough. In order for NY HERO to truly protect workers, the state must invest in implementing the law. We were glad to see Governor Hochul including an additional 12.4 million to the DOL for enforcement of a variety of workers' rights. And while it is great and it is a good start, it is not enough. We need robust enforcement, deep outreach and education of workers and

employers, a commitment to training, and support for small businesses to make upgrades to protect their workers.

A modest investment of $50 million would make all of this possible and save lives. First, enforcement is absolutely critical. Unfortunately, due to years of underfunding by previous administrations, the DOL is unable to adequately investigate workplace COVID safety complaints. Time and again we've heard from workers and members of our coalition that they've filed complaints and never gotten responses. To investigate thousands of NY HERO complaints a week, we estimate that the DOL will need $10 million in funding.

Outreach and education is another crucial component that needs state resources, to ensure every worker in New York knows their rights under NY HERO, knows how to protect themselves from COVID-19, and understands how to form a workplace safety committee.

Training must also be funded. NY HERO

allows for every worker committee member to receive four hours of training on occupational health and safety.

The Hazard Abatement Board typically gives out grants for health and safety training, but funding was cut during the Cuomo administration, from 6 million to 2.5 million --

CHAIRWOMAN KRUEGER: Can you close up, please.

MS. SILVA-FARRELL: Sure. In order to increase the capacity for NY HERO, we believe that we need to restore and increase it to $10 million.

And just to wrap up, these modest investments will help fully implement the NY HERO Act and essentially support all of the workers who have sacrificed their lives to be able to keep the economy going.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

And our last on the panel, Elisa Crespo.

MS. CRESPO: Thank you, Chair Krueger

and Chair Weinstein, and distinguished members of the committees. My name is Elisa Crespo, and I am the executive director of the NEW Pride Agenda. We are a statewide LGBTQ+ education and advocacy nonprofit.

I'm here to talk today about a topic that is near and dear to my heart, the economic status of the LGBTQ+ community, and particularly the Black and brown trans and gender-nonconforming and intersex community in New York State.

Historically, trans and gender-nonconforming people have suffered high rates of unemployment due to the everyday hiring biases, on the job discrimination, wage inequities and, up until just a few years ago, a lack of legal protections. A 2015 New York State LGBT health and human services needs assessment revealed that although trans and gender-nonconforming people are educated, they are less likely to be employed.

What is more, a report by the National Center for Transgender Equality conducted in

2015 found that 18 percent of transgender respondents in New York were unemployed, and 37 percent were living in poverty. It's also worth noting that 40 percent of the LGBTQ community work in industries that were most affected by the COVID-19 pandemic.

Even here, in one of the wealthiest states in the country, there is disproportionate income inequality, high unemployment, and massive segregation among the LGBTQ community. I want to encourage members of the committee to consider a public option for employment or a trans and gender-nonconforming wellness and equity fund to address the longstanding disparities in our community.

A public option would provide good-paying government jobs for targeted vulnerable populations that includes but is not limited to the trans and gender-nonconforming community. This would increase our state's tax base and increase revenue for small businesses.

In closing, we need programs for

targeted populations that have historically been underemployed or unemployed. This one-size-fits-all model in workforce development is not working. We are lagging behind as it relates to innovative ideas for specific vulnerable populations. Other countries go as far as providing tax breaks for small businesses that employ trans and gender-conforming people or even setting quotas in civil service positions.

I'm pleased that the caucus has expressed support to direct the Department of Labor to conduct a study on the employment status of Black and brown trans and gender-nonconforming people. I think that is a great start. But I hope we actually do something with the devastating information that it's going to reveal when it's concluded.

If our recovery is to be done in a equitable and inclusive way, New York State has a moral imperative to increase the socioeconomic status of marginalized communities, of which the LGBTQ community

belongs to. GENDA and Walking While Trans were great, and we are grateful. But that was the floor, not the ceiling, and we have a lot to do to achieve equity for our communities.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

And I see Senator Sean Ryan with his hand up. Senator Ryan, are you with us?

SENATOR RYAN: Thank you so much. {Zoom static} -- really appreciate this panel and the work you're doing -- {Zoom frozen}.

CHAIRWOMAN KRUEGER: You know what, I think you're a little frozen, Senator Ryan.

SENATOR RYAN: I can see you, Liz. Can you hear me?

CHAIRWOMAN KRUEGER: You know, I can hear you now. Try again.

SENATOR RYAN: Okay. I hope you can hear me now.

CHAIRWOMAN KRUEGER: Yes.

SENATOR RYAN: Great.

Thanks to this panel and the good work you're doing. I had a question for Maritza,

and that is, you know, how is the corporate community responding to the NY HERO and the idea of shifting some power back to the workforce? What -- {audio dropped}.

CHAIRWOMAN KRUEGER: Maritza, did you get enough of that question? I think we lost Sean towards the end.

MS. SILVA-FARRELL: I think I got the sense of it. Let me try it and see if I can answer the best I can.

I think the question was how the corporate community is responding to the implementation of NY HERO. Did I get that right?

SENATOR RYAN: That's right.

MS. SILVA-FARRELL: Well, you know, it's I think a mixed bag. I think in this specific moment, what we've seen is that there are large corporations -- I mean, I want to talk about the big one. Amazon, for example, is the largest, and we continue to see health and safety issues in that corporation, with the warehouses and delivery workers. So we can only tell by, you know,

how the larger corporations function to actually think about how the rest will do.

You know, we also think that there are also some small businesses who want to do the right thing, as I mentioned in my testimony, but do not have enough funding to be able to do installations of, you know, ventilation, HVAC systems and so on and so forth. Therefore, some grants would be helpful for them.

But generally large corporations who have the resources are asking for more.

SENATOR RYAN: That's interesting. Does your organization have an opinion about noncompete clauses and what they do to the workforce?

MS. SILVA-FARRELL: Yes, we do. As a matter of fact, I wanted just to emphasize that, you know, the comments that Governor Hochul and the comments that she included on her draft budget, we were very happy to see that there is some concerns raising around this.

We believe that we have to ensure that

workers have some flexibility and to move around as they need it. As a matter of fact, we are trying right now in the Senate and the Assembly to move a legislation called the 21st Century Antitrust law to hold those corporations accountable. Because many large corporations, what they want to do essentially is just keep the workers under their arms and lower the standards of the workforce. So we support the idea of ensuring that that issue is addressed.

SENATOR RYAN: Well, that's good. Thank you very much. And I thank everyone for their testimony today.

CHAIRWOMAN KRUEGER: Thank you.

Do you have any members, Assemblywoman?

CHAIRWOMAN WEINSTEIN: Yes. Assemblyman Jacobson, three minutes.

ASSEMBLYMAN JACOBSON: Yes, thank you.

This question is for Martha Ponge of the Manufacturers Alliance. How do you recruit for your internships?

MS. PONGE: We are not doing

internships, we're doing registered apprenticeships. So employers are hiring these individuals, and we are helping them to establish programs at their facilities.

What we are doing is offering many more information sessions throughout our communities so that we let a lot of the community partners know that we are supporting the growth of registered apprenticeships and that we are looking for individuals to go into these.

We are also supporting our employers with a Career & Talent Platform that allows community organizations to bring their individuals in, create employment profiles and do assessments, and be put into programming after that.

ASSEMBLYMAN JACOBSON: Specifically, what kind of outreach are you doing with high schools, BOCES and community colleges?

MS. PONGE: We work with all three organizations, Assemblyman. Our organization is fortunate to have a K-12 arm called Partners for Education and Business, and

through Partners for Education and Business, just in the Syracuse area we support seven P-TECH programs. We are the outreach coordinator for the Syracuse City School District, one of the ten most -- ten --

ASSEMBLYMAN JACOBSON: Yeah, I don't have much time.

In Newburgh there is a partnership for P-TECH with IBM and Global Foundries, but nothing is done with BOCES, and Poughkeepsie is very short-changed.

So you really have to reach out to the communities that need it. I know the manufacturers want it, but you're not getting to the needs where the need is.

My other question is does the Department of Labor -- do they reach out to you, or do you have to go after them? Because they seem to be too laid back, in my opinion.

MS. PONGE: The Department of Labor has been wonderful partners with us for the last five years. Every opportunity that we've had to partner with them, they have

come --

ASSEMBLYMAN JACOBSON: What do they do -- what do they do specifically to bring the unemployed people that are looking for jobs in contact with your organization for jobs and internships? Are they reaching out to you proactively?

MS. PONGE: Our employment training representatives are aware of many individuals, and they will let us know that there's been, you know, a higher level of --

ASSEMBLYMAN JACOBSON: I know, but does the Department of Labor reach out? Because that -- you know, we're with the state. I can't control what you do, I can control or at least get influence with the Department of Labor. I can't get influence with you. Are they reaching out like they should?

MS. PONGE: I believe right now they're doing everything they can. During COVID it was very difficult because 90 percent of their individuals were on unemployment insurance claims.

ASSEMBLYMAN JACOBSON: I hope that's true. I don't see it in the Hudson Valley.

Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We go back to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator Robert Jackson.

SENATOR JACKSON: Thank you, Madam Chair. Good afternoon -- one second. I need to, okay, start my video. I'm sorry.

Hey, good afternoon. Well, first, thank you for coming in and giving testimony. And I wrote down the request that each one of you had -- 50 million, at least 13 million, and Martha, I see that your request is to move from 750K to 1 million.

That doesn't seem like a whole lot for what you're doing -- which is great, though. Is that only in the upstate area, or is that around the state?

MS. PONGE: We represent seven associations across the state, so we have associations in Buffalo, Rochester, Albany, Syracuse, the Hudson Valley and on

Long Island. The Capital Region and on Long Island, yup.

SENATOR JACKSON: Okay, very good.

Yeah, and the reason why I ask that, because quite frankly, I apologize, I have not heard of the program, especially in New York City where I am. But I would assume that there's so many organizations in New York City, you're focusing on the other areas.

MS. PONGE: You're right, that $250,000 increase is one of the things that would help us to have a partner in New York City's area.

As you know, New York City is -- it's a little bit harder to navigate than some {inaudible} that are out in the more suburban areas, and so finding a partner who can get us in and get us access to employers and to potential apprentices would be a huge help for us.

SENATOR JACKSON: Well, I appreciate your advocacy on behalf of all of the people that need it. And this is a message -- you

may have heard the testimony and questions and answers regarding the civil service, the unit for diversity in the state system, for not only -- you know, I asked, Well, what do you mean, what's your goal? Is your goal to increase the number of people of color, of diversity of LGBTQ individuals?

You know, what is your goal? And especially since the additional money is going to be given towards that, I would hope that the goal is to open up for all people, not only people of color and LGBTQ people, but people that have a disability but are able to work.

MS. PONGE: Absolutely. Absolutely.

SENATOR JACKSON: So that's important to me overall.

And so I want to thank you, all three of you, for coming in. And understanding, though, that from an advocacy point of view, you should know to stick together in order to push the agenda as we move towards it in the budgetary process.

MS. PONGE: Thank you very much.

SENATOR JACKSON: I thank all three of you.

CHAIRWOMAN KRUEGER: Thank you.

I think we have one more Senator, Senator Brad Hoylman, to close.

SENATOR HOYLMAN: Thank you, Madam Chair. And thank you to the witnesses today.

I want to specifically ask Elisa Crespo about the TGNC wellness fund idea. Where have you seen this concept work? What has the Governor's reception been? And could you describe to us exactly how much you're seeking and what it would be used for?

MS. CRESPO: Yes, thank you, Senator, for asking me the question. I appreciate that.

We're asking for $15 million specifically. This has been done in the State of California, so it's not unprecedented. Governor Gavin Newsom signed a bill that gave $15 million to service providers specifically for services for the trans and gender-nonconforming community.

I think -- we've reached out to the Governor's office, we've been in communication with the second floor, and we're continuing to communicate with them. I think our biggest hurdle is recently it was -- the Governor has expressed interest in increasing what we all know as the LGBT health and human services budget. However, we -- you know, that money doesn't really go to organizations that are led by trans and gender-nonconforming individuals, right? Just -- it is what it is.

And so we -- the trans and gender-nonconforming community has the greatest needs. Right? We suffer the greatest levels of disparities, lower life expectancies, higher rates of incarceration, homelessness, housing insecurity. And so we need targeted funding that is dedicated towards the trans and gender-nonconforming and intersex and gender-expansive people altogether.

And the goal of this fund is to support emerging TGNC leadership and to

provide -- to address unequal distribution of funding that goes towards organizations led by trans and gender-nonconforming people. We feel that those who are closest to the struggle are closest to the solutions. We just need to be -- have an investment made into our community.

SENATOR HOYLMAN: And who --

MS. CRESPO: And just to add on to that, Senator -- excuse me -- we do plan to talk with members of the Assembly and the Senate to get support from there as well if we are unsuccessful in getting it done through the amendment process of the Executive Budget.

SENATOR HOYLMAN: And very quickly, what is your idea as to which agency or commission would actually administer the fund?

MS. CRESPO: Well, it's likely this would -- if everything turns out the way we hope, that it would be administered through the Department of Health, potentially through the new office of -- I think it's health

equity, a new office of equity, and so I think that would be a fitting place.

SENATOR HOYLMAN: Thank you.

MS. CRESPO: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assemblywoman, do you have any other members?

CHAIRWOMAN WEINSTEIN: No, we are finished with this panel.

CHAIRWOMAN KRUEGER: Thank you very much, the three of you panelists.

I'm going to move to Panel D, Astor Services for Children & Families, Yvette Barian, chief executive officer; and Network for Sustainable Tomorrow, Adam Flint, director of clean energy programs.

UNIDENTIFIED MALE: Senator, I believe we still have Panel C.

CHAIRWOMAN KRUEGER: Oh, I'm so sorry. I did jump the gun, excuse me. Moved the page too far down.

UNIDENTIFIED MALE: Nice try.

(Laughter.)

CHAIRWOMAN KRUEGER: I'm sorry,

Panel C. Let's try again with the Center for New York City Affairs at the New School, James Parrott, director, economic and fiscal policies; and the New York State School of Industrial and Labor Relations at Cornell University, the Worker Institute's executive director, Dr. Patricia Campos-Medina.

Hi there, folks. James, why don't you start us out.

DR. PARROTT: Should I start?

CHAIRWOMAN KRUEGER: Yes, please.

DR. PARROTT: Thank you, Senator Krueger.

Good afternoon, everyone. Thank you for the opportunity to testify at this budget hearing on workforce issues.

I've been studying the New York City and New York State economies and economic policies for 30 years. I'd like to speak to four issues this afternoon.

One, New York State is still experiencing a 7.5 percent pandemic jobs deficit. In my written testimony, I included a chart that illustrates how much greater our

jobs deficit is than the national level. It's almost four times what it is in the nation overall. It's not just New York City, but the suburbs and upstate have a jobs deficit more than three times greater than the national jobs deficit.

The pandemic's economic effects have been fundamentally lopsided. Low-wage workers have borne the brunt of displacement, as have young workers and workers of color. One example: The unemployment rate in the fourth quarter in New York City for Black workers was 15.2 percent. For white workers, it was 6.3 percent, a dramatic difference.

The Division of the Budget in the Executive Budget projects that New York State will not get back to its pre-pandemic employment level until 2024. To address New York State's lagging COVID-19 recovery, I proposed in a policy brief released two weeks ago that the state use some of the federal COVID-19 fiscal relief to fund a massive wage subsidy workforce development redeployment effort.

The second issue I'd like to address is as we heard earlier, the state's Task Force on Misclassification has not issued an annual report since 2015. Now, we know from our own estimates -- we're in the process of updating a study -- that there are over 350,000 misclassified low-paid independent contract workers in New York City, in transportation, in construction, nail salons, retail, human services, many sectors of the economy. These workers -- our research shows these workers are paid a lot less than their counterparts, who are wage employees, and they don't have access to benefits such as unemployment, workers' comp, Social Security, paid family leave and so on.

The third issue. Given how long this pandemic jobs loss has taken place, I would suggest that New York State consider giving a tax credit for unemployment benefits paid in New York State in 2020 and 2021, to workers who are still employed whose incomes are below a certain level.

The fourth issue that I'd like to

address is that it's long overdue for New York State to adjust the state minimum wage. It was last increased in New York City at the end of 2018. We not only need to have an increase and put in a permanent COLA, but we need to have a catch-up proposal to restore some of the lost purchasing power. This is particularly urgent given the current 6 percent consumer inflation.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

And Dr. Campos-Medina.

DR. CAMPOS-MEDINA: Hi. Good afternoon, members, Finance Chair Krueger, Ways and Means Committee Chair Weinstein, and Labor Committee Chairs Ramos and Joyner, and all legislators in this hearing today. My name is Patricia Campos-Medina. I am the executive director of the Worker Institute at ILR. Founded in 1944 by the New York State Legislature, ILR is part of the land-grant institution of Cornell University.

The importance of your visionary support of our work was clear during the

crisis of the pandemic, when all of ILR's extension programs turned into halls of information for leaders in the employment relationship, seeking assistance to address the seismic shift in employment relations.

Today I will focus my remarks on our request for additional support to help expand our reach in workforce development. Your annual appropriation for the Worker Institute supports research on low-wage workers in the gig economy, such as the food delivery workers and our forthcoming study on the nail salon industry. To help expand our capacity, we are requesting an increase of $200,000 that will help us further our research, training and policy work for a just recovery. This will require an equity lens in creating jobs in the construction industry, in the public sector, that improve the conditions of workers, especially home care workers, as they are mostly women and they are having special needs as they reenter the workforce.

Our program on sexual harassment and

domestic/gender violence supports our education outreach with union and social justice leaders. We are requesting an increase of $200,000 to help us expand on the findings of the ILR 2021 Just Recovery Survey, which revealed that women in New York State still fear retaliation when reporting sexual harassment in the workplace.

Our Union Leadership Institute successfully used virtual technology to provide support to worker leaders during the crisis of the pandemic. For next year, we request an increase of $100,000.

Our Labor Leading on Climate Initiative has been bold in its approach to advance union job creation in the green economy. With your support of $500,000 last year, we convened trainings of union leaders and members. We conducted research such as the forthcoming "State of the Clean Energy Workforce" for the solar industry in New York. We also join NYLIS {ph} in asking New York State to establish a climate jobs institute at ILR.

The Criminal Justice and Employment Initiative provides legal education to employers and assists workers with criminal records through increasing increase employment opportunities. Your annual support of $187,000 helped us fill a gap in demand for services.

The Yang-Tan Institute of Employment and Disability has a long record of working with New York State to provide research and training to make New York State a model employer for workers with disabilities. We are requesting support of $300,000 to continue that work.

The Buffalo Co-Lab engages in economic development via community engagement in upstate New York. Your annual support of $300,000 helps us advance research on a Living Wage Atlas that outlines existing categories of work and the profile of the workers in the central and western regions of New York State.

Finally --

CHAIRWOMAN KRUEGER: I'm going to cut

you -- oh, finally? Okay, finally, yes.

DR. CAMPOS-MEDINA: Finally -- this is the final, yes -- the cannabis workforce initiative is a partnership between ILR and the Workforce Development Institute, and it's ready to help New York implement the social equity and job development goals of the Marijuana Regulation and Taxation Act. We are requesting an infusion of $5 million for that effort.

Thank you so much for your support of our Cornell labor programs. We are part of the public mission in the public land-grant colleges of Cornell University, and we thank you always for your support.

CHAIRWOMAN KRUEGER: Thank you.

I see Senator Ramos with her hand up.

SENATOR RAMOS: Rah-mos. Thank you, Chair.

CHAIRWOMAN KRUEGER: Sorry, excuse me. Senator Ramos.

SENATOR RAMOS: I love this panel. This is a great panel. Lots of things to talk about.

I'm going to start with Mr. Parrott. You touched upon misclassification of workers. I'm wondering if you can talk about what policy changes can we make to increase the transparency of how Black Car Funds are used, and what the New York State Legislature should be doing to get Uber to pay what they owe us on unemployment insurance.

DR. PARROTT: Thank you for those questions.

You know, in the past five years, given the tremendous increase in Uber and Lyft trip volume in New York State, particularly in New York City, the Black Car Fund has taken in hundreds of millions of dollars, and yet I don't believe there is any, I mean any, public information available on the Black Car Fund.

It's very puzzling to me why it's not part of the state's Workers' Comp Board. But when it was set up, it was set up as a nonprofit shielded from the elementary guidelines for transparency and accountability. I think it's long overdue to

look under that hood a little bit, see what benefits they are paying, see what's being done with the tremendous amount of money that's being taken in.

I don't know what else to say in terms of what New York State should be doing to collect the long-overdue and mounting --

SENATOR RAMOS: How much is it? Do you know how much it is -- how much does Uber owe New York State for UI?

DR. PARROTT: So I don't know that off the top of my head.

I do know that New Jersey two years ago sued Uber for $600 million in unpaid unemployment taxes. It's very likely that the trip volume in New York State is a multiple of what it was in New Jersey, plus an additional time period since then, plus the fact that Lyft owes us payroll taxes as well.

So it's pretty significant. It obviously comes at a time when the UI trust fund has a huge deficit. Many of the workers in those industries --

SENATOR RAMOS: I'm sorry, Mr. Parrott, I'm going to cut you off because I have just a few seconds.

I wanted to ask Dr. Campos-Medina about the price of getting your nails done in New York, how it compares across the state, right? Can you talk a little bit about the industry and, you know, what the state of workers is there?

DR. CAMPOS-MEDINA: Yes. You know, this is one of those industries that you would think that because in New York City there's more, that it would be better working conditions and they're able to manage their conditions better.

What we have found in our research -- and it's almost done, and we can send you an update of our report -- is that the cost of the nail salons in New York City is the lowest in the entire state, and yet that makes it impossible for workers, which are mostly women and immigrant workers, to actually make a living. And they are so prone to instances of wage theft and

misclassification as well, so -- and also exposure to health and safety conditions that are just making their everyday lives very difficult.

So we are looking for solutions that create more of an ability for these workers to raise the standards and actually ask for better wages in the southern part of the state, which is where the services are used more, than in the northern part of the state, which is -- there shouldn't be that differential, but that's what we're seeing.

SENATOR RAMOS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Senator Sean Ryan.

SENATOR RYAN: Thank you very much.

To Mr. Parrott, I'd like to be able to keep looking at the Black Car Fund, because we don't want that to be a Black Car Fund that lives in a black box that none of us could ever see the inside of. So we should keep looking at that.

And to Dr. Campos-Medina, you know, I really appreciate the work that Cornell does

on its public side, as the land-grant college, to try to create a just economy in New York State. And as you well know, we've had an ILR unit in Buffalo since the '40s when they created the ILR.

But really during the pandemic, your school really shined in terms of helping us figure out where the workers went. And the answer was -- is -- there's not enough childcare to go along to the workers, as well as the digital divide and the awful impact it's had on working people and low-wage people in New York State.

So I really look forward to working with you, but also about this intentionality of the economy. The economy doesn't become a fair, just and high-wage place because supply and demand in the private market make it that way, it becomes a fair, just and high-wage place because of a well-regulated economy that's intentional and strategic, like the fund being used to make sure that people entering into what we hope to be the burgeoning marijuana workforce, are people

who come from our communities but also will get paid jobs that can sustain themselves and their families.

So thank you both for the work you do. The economy just doesn't happen.

CHAIRWOMAN KRUEGER: Thank you.

Senator Savino.

SENATOR SAVINO: Thank you, Senator Krueger.

I want to specifically speak to Dr. Campos-Medina about the cannabis curriculum that you guys are developing at Cornell's ILR School. By the way, I am a proud graduate of the Cornell ILR School -- 20 years ago already, my God. I'm aging rapidly here.

(Laughter.)

SENATOR SAVINO: But I'm interested, so what are we doing? Because as we know, hopefully within the next year we will have legal dispensaries available in all parts of the state. But we're going to have a thriving industry with everything from growers to cultivators to processors, to

people who are going to be starting their own businesses, in a very complicated landscape of an industry that is legal in the four corners of our state but not legal with respect to the federal government.

So what are we doing to create a curriculum and train people for this complicated yet very exciting industry?

DR. CAMPOS-MEDINA: Thank you for that question. And thank you for elevating the work that we do.

Most of the work -- the work that we do in the extension program is always in partnership with our stakeholders -- whether it be business, labor leaders, attorneys -- who are looking for an effective way of changing the way things are done. So all of our cannabis workforce initiative is actually a partnership with the Workforce Development Institute, and we brought together labor unions who will be representing that industry and community leaders who are concerned about the equity components of job creation, and making sure that the communities that were

formerly impacted by the criminalization of cannabis actually get opportunities to get jobs.

So the training combined what is the law, what are the skills needed, and how do we make sure that the workers that come from the communities that were impacted are prepared to do the work but also understand their rights and are able to demand, in collective bargaining, better wages that will actually drive economic investment in the local community.

So this is -- we're excited about this project. And it builds on the work that we have been doing on the criminal justice training program in which we actually were able to create a curriculum for criminally impacted workers coming out of the justice system. And so we have a long experience developing and working with communities that need a type of "know your rights," but also what are the potential for new skills that need to be created in the industry, which is important.

SENATOR SAVINO: Great. Thank you very much.

CHAIRWOMAN KRUEGER: Thank you.

Assembly?

CHAIRWOMAN WEINSTEIN: We have -- Assemblywoman Griffin has a question, and we also have Assemblyman Ra afterwards.

ASSEMBLYWOMAN GRIFFIN: Okay, thank you, Chairs.

For Mr. Parrott, I just wondered if you could elaborate on your suggestion of tax credits for unemployment benefits.

DR. PARROTT: Sure. So New York State, as several other states do, taxes unemployment benefits.

During the pandemic -- during the first two years of the pandemic, several states waived the taxation of unemployment benefits. New York State did not do that. The federal government waived the taxation of the first $10,000 of benefits.

Here we are, now almost two years after the beginning of the pandemic, which as I said at the outset, hit New York State

disproportionately hard. You know, our jobs deficit is three and a half times what it is at the national level. Many people, half of the people unemployed in New York State, have been unemployed for more than six months. A quarter of the total have been unemployed for over a year.

The various federal economic assistance programs have all ended. So, you know, we're starting to see an increase in hardship. The unemployment that exists out there is by no means mainly, you know, voluntary unemployment. It's people whose jobs have not come back and they're not able to return to those.

So as a way -- as a low-cost way, effectively, of providing additional assistance targeted to the people who are still unemployed, if we waived -- if we gave them a tax credit for taxes they would have paid -- a refundable tax credit back to 2020 and benefits they received in 2021, you know, that could provide a modest but meaningful amount of assistance to a lot of people.

ASSEMBLYWOMAN GRIFFIN: (Muted.)

DR. PARROTT: I believe you're on mute, Assemblymember.

CHAIRWOMAN WEINSTEIN: Senator, do you have -- Senator Krueger, I believe you're muted.

CHAIRWOMAN KRUEGER: I apologize. Yes, Senator Tom O'Mara's hand popped up there.

SENATOR O'MARA: Yes, thank you. thank you, Chairwoman.

Just briefly to both of you, we have a seemingly historic low labor participation rate in New York State and across the country right now. Can you address generally the causes for that and what we should be doing about it?

DR. PARROTT: So I've actually been looking at those numbers each quarter. We just recently got the data for the fourth quarter. And while there's been some drop-off in the labor force participation rate, in New York State it's by no means the same fall-off that we've seen at the national

level.

The BLS publishes a monthly survey for all states on job openings, the quit rate and so on. And in all of those indicators, New York State is at the bottom. That is, we have the fewest number of new hires, the lowest number of job openings, the lowest number of people quitting their jobs voluntarily.

So it's important to keep that in mind. The narrative that you hear at the national level about the Great Resignation and a lot of people, you know, choosing to stay unemployed and so on -- I'm not saying it doesn't apply at all in New York, but it applies on a much smaller scale in New York than it does around the country.

DR. CAMPOS-MEDINA: I would like to address the issue of the voluntary separation from some members of the workforce, specifically in the care economy, whether it be home care, healthcare, and in the low-wage industry, which is an industry that we study a lot, and we have several reports that

address those concerns.

And what we have seen is that most of that workforce, whether it be in the care, healthcare, home care, childcare -- most of those workers are women, perhaps that themselves don't have access to healthcare, don't have access to paid sick leave or paid family leave, so they have to balance their choices between taking -- going to work and taking care of their children.

And so what we would like to do is to be able to figure out, with you, what are the policies that we need to do, specifically to address the great shortage that New York State has, which is bigger than the rest of the country around home care workers. And that takes a combination of addressing their health and safety concerns, improving their wages -- because we have very precarious levels of wages in that industry -- and also perhaps some public policy solutions around access to healthcare and access to paid leave and sick leave and all the other things that will make those jobs better jobs for women to

be able to choose to return to work.

So we are in the -- this is part of the research that we would like to engage on in figuring out how do we make jobs in the care economy better jobs so that we can encourage the return of women, specifically, to the workforce and help them figure out how to do that.

SENATOR O'MARA: Thank you for that. I certainly agree wholeheartedly on the childcare side of things. But one thing you didn't mention I think that hurt a lot of those positions was bumping up the fast food minimum wage to above those lower-level healthcare jobs, causing a lot of people to leave for easier work, more consistent hours of -- at least when they could go home, rather than being stuck at work.

So look forward to working on these issues. Thank you.

DR. CAMPOS-MEDINA: Thank you, Senator.

CHAIRWOMAN KRUEGER: Thank you, Senator O'Mara.

Assembly, I think you had one more.

CHAIRWOMAN WEINSTEIN: No, Senator O'Mara cleared up the issue we had.

CHAIRWOMAN KRUEGER: Okay. Then I believe we are done with this panel. Thank you both very much for your testimony --

DR. CAMPOS-MEDINA: Thank you so much.

DR. PARROTT: Thank you.

CHAIRWOMAN KRUEGER: -- your written testimony and your spoken testimony.

And now we are up to Panel D, Astor Services for Children & Families, Yvette Bairan; and Network for a Sustainable Tomorrow, Adam Flint.

Hello, folks.

MR. FLINT: Good afternoon.

CHAIRWOMAN KRUEGER: Good afternoon.

MS. BAIRAN: Hello, good afternoon.

CHAIRWOMAN KRUEGER: Let's start with Yvette, thank you.

MS. BAIRAN: Good afternoon, and thank you for providing me with this opportunity.

You know, I've been listening, and I'm really so impressed. Everyone is asking the

right questions. All of you are really well versed in understanding so many of the issues that providers are facing in the community, and I want to thank you for that.

My name is Yvette Bairan, and I am the chief executive officer of Astor Services for Children & Families. We serve children and young adults, adolescents and families in the Mid-Hudson Valley area of New York as well as the Bronx. We serve children who have mental health needs in the community. We also provide school-based mental health services and early childhood developmental programs.

What better conversation than to talk about mental health in this pandemic, right? I mean, mental health has always been around. It doesn't discriminate against anyone. And yet it took a pandemic to really bring it to the forefront the way that we've been seeing it over the last two years.

I would like to testify today about the alarming workforce shortage facing many mental health service providers that is only getting worse by the day. We really need

investments in the children's mental health workforce, a group that has been traditionally underpaid yet on the frontline caring for the most vulnerable.

We have many industries that are struggling. We've heard many of them today. We've had a lot of compelling issues and discussions here today. But how many industries can you say are saving people's lives, are saving children's lives? We hear -- there's not a week that goes by that I don't hear from one of my staff that we had a child who was cutting themselves or someone who took pills in an attempt at suicide. So we have to invest in mental health because we're saving children, we're saving families, we're saving lives.

And I have to say that this pandemic has been a real testament to the resiliency of many of the people that work in this industry, and I am also so proud of the work that we have been able to do regardless of this pandemic and the fact that schools had to close and so many of our workforce ended

up having to be remote.

We, like many other industries, experienced what we now have called the Great Resignation. And I keep asking and people keep asking me, where do you think these employees went? What do you think has happened? And, you know, and I joke around and I say, you know, I think somebody developed a colony and didn't invite us.

(Laughter.)

MS. BAIRAN: Because I have no idea where they went. I don't know.

You know, someone just mentioned a few minutes ago the realities that we are struggling related to employment of individuals in other industries, and McDonald's, and Amazon. And I would like to say that we have to invest in our workforce, we have to invest in sustaining reimbursable rates so that we can compete with larger organizations in other industries. And we need to make sure that industries that -- like ours that are saving people's lives are at the forefront of workforce reinvestment.

So thank you so much for your time, and I hope that we can count on your support. And we thank you for all that you have done and continue to do to support our communities and workers.

CHAIRWOMAN KRUEGER: Thank you.

And next, Adam.

MR. FLINT: Thanks very much, Chair Weinstein (sic) and the joint committee members for this opportunity to testify.

My name is Adam Flint. I direct clean energy programs at Network for a Sustainable Tomorrow in Binghamton, New York. I am here today representing the New York State Climate and Clean Energy Careers Working Group, which convened last year with a wide range of collaborators from around the state and across the ecosystem. This testimony will outline some of our initial proposals.

The bottom line here is that New York's existing education and workforce system is not prepared to meet the workforce needs necessary to achieve the state's ambitious clean energy goals. This problem

was acute prior to the passage of the Climate Leadership and Community Protection Act, or CLCPA, and will become an emergency once the act is in full effect next year and the market grows and we don't have the workers necessary to meet that growth.

Within the CLCPA the workforce component is limited to the just transition, which is very important but does not systematically address the problem overall. Specific near-term initiatives as well as major systemic changes are required.

I will illustrate this urgent need with a case in point happening right now in my backyard in the Central Southern Tier, along with a sampling of the policy recommendations that flow from that.

At the Huron campus in Endicott, which at one time was the global headquarters of IBM, companies Imperium 3 and Ubiquity Solar will be manufacturing, respectively, lithium ion batteries and solar panels. Starting this year, they will need 300 workers just this year. An hour away, the Ithaca

decarbonization program, where they plan to electrify all 6200 buildings in the city, plus transit, by 2030 -- which has the attention of the White House -- they will need to fill at least 300 positions in Year 1. All three together will likely see needs in the low thousands, and that's conservative, well before 2030.

From grade schools to the colleges and universities, for youth and adult learners, and for the underserved and mid-career workers, we lack the needed clean energy career system to meet the expansion of our energy economy. So here are a few of our proposals.

First, we propose that an interagency Clean Energy Careers Pathways Working Group be convened to include at least the Department of Labor, SED, SUNY and CUNY, Empire State Development, and NYSERDA. I will just mention parenthetically that a lot of these agencies have been talking with each other. The one that's been AWOL? State Education. Something's got to be done --

yesterday.

We need a broad and granular state mapping of clean energy workforce training and education needs, assets, missing pieces with candidate tracking. We need a massive, long-term outreach, education and marketing campaign so that this huge opportunity does not remain a secret, especially for kids in grade school. We need to turn them on to this and motivate their parents, like my generation did, around smoking in the '70s.

Since the 1980s -- and this is my close -- the neoliberal agenda has degraded our technical education system and hollowed out our public education system, forcing education and workforce professionals into a just-in-time approach. This state should mark, hopefully, the end of the pandemic by allocating very significant resources and making major systematic reforms to meet the workforce needs set by our ambitious clean energy and climate goals, with a strong equity lens.

Thank you.

CHAIRWOMAN KRUEGER: Thank you both for your testimony.

I see the hand of Jessica Ramos.

SENATOR RAMOS: Yes, thank you.

Well, I just want to make a comment for Adam. You should connect with Cornell, who is now working on a workforce development plan for climate jobs across the state. You might want to connect with Lara Skinner if you don't know her already.

MR. FLINT: I'm trying. Good recommendation. Everybody says that. She's very busy.

SENATOR RAMOS: Okay, well let me know. Maybe I can help.

MR. FLINT: Appreciate it.

SENATOR RAMOS: And with Yvette, Yvette, I can't -- I don't even know where to begin. You know, I've introduced my Early Learning Childcare Act this year precisely because I believe we need to move towards a caring economy, which means that we're making meaningful investments in wages for care economy workers, whether it's childcare,

elder care, nursing home care. We see the increased need here.

And I just want to say because of one of the previous comments that had been made, it's not that fast-food workers make too much, it's that care workers make too little.

And I just want, Yvette, if you can expound a little bit on what that pay is like, especially for mental health workers that are working with children, especially at such a critical time. We know many children might even be grieving their parents; that's the truth. So can you tell us a little bit about what a mental health worker with children goes through, how much they're paid, what their life is like?

MS. BAIRAN: Sure. So right now we have -- and remember mental health, because it's such a specialty, we require a lot of licensed clinicians. You can't just have, you know, anyone providing mental health services. We need licensed clinical social workers, we need licensed mental health practitioners, we need the very skilled

individuals to do that.

And right now you have the average pay, depending on the state, whether or not you're in the city versus outside of the city, but we're competing with industries where now they're doing telehealth only and they're paying them between 90,000 to $100,000. That's almost double what we're able to afford our workers. We're able to pay between 45,000 and $55,000 a year for a licensed person. Meanwhile, you have these other industries now jumping on the bandwagon of telehealth and doing it, you know, where people are doing it remotely and making almost double what we're able to offer.

And we are serving the most vulnerable populations -- children at high risk of hospitalization.

SENATOR RAMOS: Why do you think that is, though? Is it just the fact that they have the platform, the marketing platform, so it's harder for you guys to compete?

MS. BAIRAN: Well, part of it is rates. Right? So it's reimbursable rates,

either for residential treatment facilities, for outpatient clinics -- just a lack of parity between primary care rates and behavioral health rates. And that's been another conversation that we've been engaged in.

So it's real lack of parity and there's definitely a need. And I see our friend here Sue Serino, who's very much well aware of the issues that we confront.

SENATOR RAMOS: Thank you.

MS. BAIRAN: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

I believe Senator Sue Serino has her hand up.

SENATOR SERINO: Thank you, Madam Chair.

And Yvette, it's so nice to see you, and --

MS. BAIRAN: Nice to see you.

SENATOR SERINO: I met with the parents group from Astor, and oh my God. You know, your heart breaks for them. And they reiterated the things that you're saying.

And just wanted to know if there's anything -- you know, we all recognize that the workers need to of course have an increase in salary. But is there anything else that we can do in this body to help you obtain and retain the workers, any other ideas that you might have? Because the shortages are just amazing, like you mentioned earlier.

MS. BAIRAN: Absolutely. Something that wasn't actually in my written testimony and I didn't have a chance to mention, you gave me the excellent opportunity to do that now, so thank you for that.

Some of you may or may not know that there's actually legislation being proposed from both the Assembly and the Senate to address the critical workforce shortages in public mental health related to the scope of practice. So there's a -- for those -- this dramatic shortage has been masked by the need for more diagnosing professionals. We need a mechanism that allows for qualified mental health professionals to diagnose, and

diagnosing is definitely something that is critical in our industry. And because of the restrictions in the scope of practice in our state, we're coming up to an issue related to that, that there is legislation on. And Senator Serino, you may be aware of that already, but there is something related to the scope of practice that both the Assembly and the State Senate could support us with. And I believe one of them is Senator Bronson (sic) who's the head of one of the bills, and I forget the other one. But those are two bills that we really need a lot of support on.

SENATOR SERINO: Thank you, Yvette. I'm glad that you had the opportunity to talk about it and have all my colleagues be aware of it as well. And once again, you do an amazing job. Thank you. Your team is great.

So thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assemblywoman, I believe you have an Assembly hand?

CHAIRWOMAN WEINSTEIN: Yes,

Assemblyman Bronson.

MS. BAIRAN: Oh, yes, thank you.

ASSEMBLYMAN BRONSON: Thank you, Chair.

And Yvette, thank you. And you piqued my interest with your answer to the last question regarding Assembly Bill 6008, which for the viewers relates to a diagnosis for mental health counselors, psychoanalysts, and marriage and family therapists, which is going to sunset in June if we don't do something.

My question for you is I've heard a lot about the impact in our community-based organizations and otherwise. If that were to sunset and we don't come up with a permanent solution, what kind of impact would that have on providing mental health services to our families and our children in New York?

MS. BAIRAN: That's an excellent question. And it will have a huge impact because about 30 percent of our workforce are licensed mental health counselors. And our inability for them to diagnose is going to --

basically, we won't be able -- we'll have to have other like clinical social workers that are licensed do the signing and the diagnosing of treatment plans and other kinds of documentations that are regulated by the state.

So it's potentially -- potentially it's the loss of jobs for 30 percent of our workforce that are licensed in our organization. Because we need them to diagnose, and they're a large, large workforce in our organization.

ASSEMBLYMAN BRONSON: And these are professions, the mental health counselors, the marriage and family therapists, as well as psychoanalysts, they've had this as part of their scope of practice through an exemption for over 20 years, is that correct?

MS. BAIRAN: That is correct.

ASSEMBLYMAN BRONSON: So they've been doing this work for 20 years and because it has a sunset, we're not going to let them do it if we don't create a permanent solution. And in fact, in this bill that permanent

solution is modernizing the educational component and the clinical requirements for all of these disciplines to lift them up, notwithstanding they've been doing this work for over 20 years.

The impact really is about the folks you serve and our families and our children across the state. So I thank you for recognizing that bill, and I'm putting folks on notice in this public hearing -- the sunset's in June of this year. And we really need to take care of this. And hopefully, hopefully we can take care of it through the budget process.

But thank you, Yvette, for all the work you're doing and for your answering these questions. Thank you.

MS. BAIRAN: Thank you.

CHAIRWOMAN WEINSTEIN: Back to the Senate.

CHAIRWOMAN KRUEGER: I believe Senator Robert Jackson to close.

SENATOR JACKSON: Thank you.

First, let me thank both of you for

staying in this hearing and giving us your input on the issue and concern.

As far as a licensed social worker, I know specifically because my brother-in-law works as a licensed social worker in a homeless shelter in Brooklyn. And let me tell you, he's still trying to pay off all of the college loans that he has still pending after years and years and years, based on the fact that his salary is not, in my opinion, what he rightfully deserves.

And if in fact we lose -- as Assemblymember Bronson said, when this law sunsets in June, we're going to be in deep trouble. And if I was someplace else, I would say deep (coughing). And we can't go there.

But one of the things I didn't see in your testimony is, is there a cost factor involved? And as an organization, are you requesting money in the budget, and by how much? I know the Climate Leadership and Community Protection Act is talking about 15 billion a year. But I think you need to

say how much we are requesting in order so that every member of the Senate and Assembly that's on here, and for the record, needs to know how much it costs.

And I'll be glad to listen to any response that you have to that.

MS. BAIRAN: Yeah, I know that we've made requests of a million dollars for improvement in our workforce around retention.

But what we're also looking for is ongoing sustainable rates, rates so that there's more parity with primary care. And if we can get sustainability long term related to the rates, that is going to make the kind of impact that we need long term.

SENATOR JACKSON: Okay, and I think we can follow up with that.

As far as those rates to change, is that within legislation or that is with the State Education Department or who sets the rate? I don't know that, but we'll find that out down the road. So I appreciate that.

And brother, how come -- is there a

cost factor involved? Adam, you talked about -- is it $15 billion a year that people are talking about with climate protection, a year?

MR. FLINT: So if that was a year, I think we could cover it within the $15 billion.

I will also say, though, that a lot of the things we're specifically asking for are things that are needed across -- certainly across STEM and technical education. Right? And so that's something that hopefully can be holistically addressed within the budgets of the two houses and the Governor.

But the systemic reforms involving SED are just really a big deal. And I don't know how much that costs, but it does require political will. So if I have to single out something right now, it was this. I know I'm kind of in the wrong committee. I wasn't able to testify in the Education Committee, unfortunately. But this is a cross-platform set of challenges, as you know.

SENATOR JACKSON: Okay. Well, I heard

you say that earlier, so I appreciate that, and I wrote that down to follow up on.

Thank you, both. Thank you, Madam Chair.

CHAIRWOMAN KRUEGER: Thank you, both of you, for your testimony on this panel.

We are now moving to Panel E: Make the Road New York, Julissa Bisono, co-director of organizing; and New York communities for change, Lucas Sanchez, deputy director. We'll go in that order.

Hello, Julissa.

MS. BISONO: Hi, good afternoon.

Good afternoon, everyone. My name is Julissa Bisono. I'm the co-director of the organizing team at Make the Road New York. We represent over 24,000 members fighting for dignity and respect in their communities.

At the start of the pandemic, we witnessed how thousands of immigrant workers were forced to the frontline with nothing to survive. I am here on behalf of the 90 Make the Road members who have lost their lives due to COVID. I am here on behalf of

thousands of suffering families who are still excluded from relief and are now facing eviction, many who are not granted the same protections to healthcare or unemployment benefits.

When New York's leaders passed the Excluded Worker Fund, thousands of families got back on their feet. People were able to leave abusive relationships and workplaces, cover funeral expenses and medical bills because of the fund. But it was not enough.

Over 75,000 eligible applicants to the fund were denied because the money literally ran out. They had applied in the last week, and were just days late. That alone demonstrates the dire need for this relief. There are thousands more workers who have yet to receive any help. Excluded workers are still in crisis.

By replenishing the Excluded Workers Fund with an additional $3 billion, you are investing in the recovery of over 100,000 more hardworking New Yorkers. This fund has inspired over five states across the country

to pass similar relief measures. But we urge the Legislature to take it one step further.

Unemployment insurance was born out of the Great Depression, so let's learn from this crisis and include the most vulnerable workers in our safety net -- for good.

New York State legislators must pass a permanent alternative to unemployment insurance by passing the "Excluded No More" legislation, which is sponsored by Senator Jessica Ramos and Assemblymember Karines Reyes. This program would include coverage for over 50,000 people, particularly workers earning less than $57,000 and workers paid in cash with very small employers and self-employed workers facing {unintelligible}.

It will provide applicants with a flat payment that matches the average New York State unemployment insurance, currently $1200 per month. This program will cost $800 million in the first year, and any surplus will be rolled over to the following year.

So the Excluded Worker Unemployment Program has received overwhelming support by the Black, Puerto Rican, and Hispanic Caucus and was included in this year's "People's Budget." So we really, really wish this to pass.

And just like real quick, I also want to say New York must also talk about passing the worker shortage for the home care, because there's definitely a shortage right now with New York workers in the home care business.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Lucas, next.

MR. SANCHEZ: Good afternoon, everyone. So good afternoon. My name is Lucas Sanchez, and I am the deputy director of New York Communities for Change. And I'm here to testify in support of an additional $3 billion for the Excluded Worker Fund and the first-ever permanent unemployment benefits program for excluded workers in our state, as well as Fair Pay for Home Care.

I'm here on behalf of NYCC's 20,000 members across New York City and Long Island that are waiting on the State Legislature to act once again. We have lost too many people who did not have a choice to stay home in the pandemic. Without protections like unemployment insurance or access to healthcare, thousands of our Black and brown and immigrant members were forced to go out to get to work and get sick. Our people were hailed as heroes, but they were sacrificed in this crisis.

New York intervened by passing the Excluded Workers Fund, and thousands of families in New York received the relief that they desperately needed. But it is clearly not enough. The fund was exhausted in just nine weeks, which is incredible.

Additionally, due to application barriers and a lack of time to prepare, geographic inequities, many thousands were unable to access it. In fact, according to the New York Department of Labor's own data, 75,000 people that were eligible who applied

in the last week of the program were denied due to a lack of funds.

If we replenish the Excluded Workers Fund with an additional $3 billion, we are investing in the recovery of over 100,000 more hardworking New Yorkers.

Additionally, New York State legislators must pass a permanent alternative to Unemployment Insurance by passing the Excluded No More legislation, which is sponsored by Senator Jessica Ramos and Assemblymember Karines Reyes and is awaiting a bill number.

Excluded workers pay taxes, they pay into social benefits programs and benefit you, me and so many others, but we're still excluding them from receiving the lifesaving support they need. This program would create an economic safety net that almost all others in our state are entitled to.

The Excluded Worker Unemployment Program has received overwhelming support by the Black, Puerto Rican, and Hispanic Caucus, as my colleague Julissa stated before. The

Assembly, Senate and Governor must not hesitate here. You must act now on behalf of New Yorkers who are still awaiting COVID relief and a true safety net for excluded workers in the long run.

Furthermore, we cannot talk about workforce support if we don't talk about creating jobs. And I have to mention New York's worst-in-the-nation home care worker shortage. So I urge you to fund the Fair Pay for Home Care, which will wipe out the worker shortage and create hundreds of thousands of new jobs for New Yorkers.

To summarize, I submit this testimony in support of $3 billion more for the Excluded Workers Fund and the Excluded No More legislation, as well as Fair Pay for Home Care. Thank you for your time.

CHAIRWOMAN KRUEGER: Thank you very much.

I don't see any Senate hands. Helene?

CHAIRWOMAN WEINSTEIN: No members of the Assembly, but I see Senator Jackson.

CHAIRWOMAN KRUEGER: I see Senator

Jackson now.

Senator Jackson.

SENATOR JACKSON: Thank you, Madam Chair.

Listen, let me thank both of you. Last but not least, you've heard that saying. So clearly I want to thank you for coming in and expressing the need. As my colleague Jessica Ramos said, when we put this forward last year, and how many people applied, basically it ran out like one, two, three (snapping fingers), because the excluded workers out in the community knew that this was a program that they could put in for and qualify for it.

And as a result of the fact that so many people put in for it, that's why the requested amount is now $3 billion more this year.

So I support it. In fact, I asked my staff members to check and see -- I'm sure we're on it. But it went live only a couple of days ago, and so I'm on it now.

Jessica, I wanted to let you know that

we're going to push this to get $3 billion for the excluded workers, because quite frankly they are the ones that are part of the foundation that keeps this society going.

So I want to thank you both. You're last, but not least. I appreciate you.

SENATOR RAMOS: Thank you, Bob.

CHAIRWOMAN KRUEGER: Senator Ramos, did you have any questions? Your hand is up now.

SENATOR RAMOS: Yeah, thank you. I don't know that they're questions, just a big thank you. Obviously I'm working with these advocates to make sure that we can finish what we started.

What the success of the first version of the Excluded Workers Fund was able to prove was that there are thousands of New Yorkers that are left out of Unemployment Insurance. Unemployment Insurance is out of whack with the reality of our workforces here in New York. And so we need to be able to recognize the lost wages for these folks if we ever expect them to catch up on rent and

on their medical bills and provide for their families.

So I'm going to utilize this time to urge all of my colleagues to sign onto our bills, to take a look, reach out to us if you have any questions. But we need to get this done as a serious measure that is part of an economic boost that will benefit every single corner of New York State.

Everybody's so amazed with how quick the money went. That 99 percent of people qualified for Tier 1 meant that they paid taxes the past three years. And there are still people upstate who haven't even been able to apply and have a chance to be considered for this fund.

So actually, for my colleagues upstate, for my colleagues on Long Island, this actually really goes out to you. This is money for your communities that I want to help you get done. So please, sign a buck slip today and help us bring justice, economic justice to our communities and all of these New Yorkers who have been left out.

Thank you.

CHAIRWOMAN KRUEGER: Thank you. With that, I am going close down this hearing.

Now, listen carefully. This is the first of two hearings today. But everyone actually has to leave this meeting and then reboot Zoom for themselves with the address for the Housing hearing.

Helene, are we having any minutes in between or are we jumping directly to Housing? See, I think she already got off.

So everybody get off, but come back to the Housing Zoom address as quickly as possible, and the Assembly will be running that hearing.

And thank you all for your time today. Appreciate it.

MR. SANCHEZ: Thank you.

(Whereupon, at 3:57 p.m., the budget hearing concluded.)