

UNIVERSITY POLICE | ENCON POLICE



PARK POLICE | FOREST RANGERS

2020 Joint Legislative Hearing

Higher Education Testimony

**Submitted on behalf of the
Police Benevolent Association of New York State**

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Introduction

Good evening respected members of the joint committee. My name is Ryan Law. I am the Director of the University Police Officers Association and the current President of the Police Benevolent Association of New York State, which I will further refer to as ‘the PBA’.

The PBA was established in 2011 and is the law enforcement labor union representing the interests of approximately 1,200 members of the New York State Agency Police Services Unit (“APSU”). The PBA is the exclusive bargaining agent for the New York State University Police, the Environmental Conservation Police (“EnCon”), the State Park Police and Forest Rangers. Our members patrol and protect New York state’s public universities and colleges, state parks and historic sites, enforcing state laws to protect our waterways, lands, forests and wilderness areas ensuring environmental quality and safety.

The four (4) units of the PBA comprise the second, third, fourth and fifth largest units of police officers employed by the State of New York. These officers live and work in your districts. We are keeping you and New York State’s natural resources safe. We have the specialized skill sets necessary to respond to a crisis anywhere in the State of New York.

My testimony today will specifically address the budget priorities of the PBA. In addition, my testimony will touch upon specific issues related to the University Police Officers. The budget priorities of the PBA are reasonable requests that are designed to provide our units with parity and properly address the attrition crisis facing two of our four units. We simply seek the basic ability to continue to offer the highest level of public safety and fulfill our job responsibilities.

The PBA is well aware of the current six-billion-dollar budget deficit New York State is facing; however, it is our respectful position, that the PBA budget requests have only a small fiscal impact and are greatly outweighed by the improved public service they will bring by reducing the attrition facing New York’s State University and Park Police forces. These requests are for a 20-year retirement, a three-quarter accidental disability and the expanded Geographic Area of Employment law.

20 Year Retirement Legislation

The PBA is disappointed by Governor Cuomo's recent veto of S.5207 Gounardes Same As A.4431 Abbate. This legislation would have provided all of our officers with a 20-year retirement plan. See Veto Message 265 of 2019. The legislation is simply about parity with the New York State Troopers and over 400 other statewide municipal police forces which are currently entitled to a 20-year retirement plan.

New York State University Police are bleeding officers at an astonishing rate which has resulted in poor attrition numbers. The same applies to the New York State Park Police. Young and diverse officers, fresh out of the police academies, routinely leave the department to join other law enforcement units that provide a 20-year retirement plan.

Research conducted by the PBA indicates that over the last 6 years, a total of 410 police officers left the university force. Of those 410 departing officers, 118 specifically went to other law enforcement units that offer 20-year retirement plans. This is an astonishing attrition rate of over 30%.

Today, New York state spends between \$100,000 to \$120,000, depending on location, to hire, train and equip each new University Police Officer from the academy through their first year of service. Simple math reveals a total attrition cost of over \$12 million.

The main factor affecting attrition rates of these officers transferring to other law enforcement units is the lack of a 20-year retirement option. Attrition, however, fosters the development of other problems, such as diversity. Unfortunately, as the research indicates, the attrition trend lines are moving in the wrong direction and becoming more severe.

A 20-Year Retirement plan for the officers of the PBA of NYS will provide a strong recruitment and retention incentive. This is especially valuable to help retain and recruit young University Police Officers of color. New York state takes great pride in the diversity on its university and college campuses. The same should apply to our statewide University Police force.

Three-Quarter Disability Legislation

In the 2019 legislative session, the PBA of NYS was also able to advance three quarter accidental disability legislation to the governor's desk, with great thanks and appreciation for the support and approval from the New York state legislature. Once again, however, the legislation was vetoed by the governor. See S.3922 Gounardes Same As A.6214 Abbate (2019).

Three-quarter disability is a benefit that is enjoyed by almost every other branch of law enforcement. Parity is desperately needed for the officers of the PBA of NYS. The job responsibilities are equally as dangerous and present identical risk of injuries due to the wide range of incidents they respond to. These risks and dangers are completely out of our officers' control, which is no different from every other of law enforcement agency.

Currently, three-quarter disability legislation is not codified for University Police Officers nor New York State Forest Rangers. Additionally, some Environmental Conservation and Park Police officers are simply not entitled to three-quarter disability benefits whatsoever. This must be changed. The legislature should immediately include three-quarter disability benefits in the one house budget proposals and ensure it is included in the final budget due April 1, 2020.

We are confident that the legislature will quickly recognize that our members are simply seeking parity with other law enforcement members and are not asking for any special treatment. There is no better justification than the shooting tragedy of New York State Environmental Conservation Officer James Davey who sustained a life-threatening gunshot wound while investigating a call for "shots fired" in rural Columbia County. This incident was ultimately two men attempting to poach deer in a field after dark. These types of terrible incidents demonstrate the risks that Environmental Conservation Officers, Forest Rangers, State Park Police and State University Police Officers encounter on a day-to-day basis in performance of their job duties. They should receive the same accidental disability benefits as other law enforcement officers.

The fiscal impact of the legislation would be an immediate past service cost of \$2.3 million and an annual cost to New York state of \$350,000. The fiscal note's estimated costs are based on 570 members having an annual salary for the fiscal year ending March 31, 2018 of approximately \$48 million.

Granting all members of the PBA of NYS a three-quarter disability benefit will also help lower the attrition rates because we will have parity with other branches of law enforcement.

Heart Presumption

An equally important budget priority for the PBA is “heart presumption” coverage for University Police Officers. This will create a presumption that any condition of impairment of health, caused by diseases of the heart resulting in disability or death to police officers and certain other first responders, shall be presumptive evidence that it was incurred in the performance and discharge of duty. Almost all police officers throughout New York state are afforded the protections of the “heart bill” provisions in the retirement and social security law. The fiscal note of this legislation states that the fiscal impact is “negligible”. Given this fiscal impact, it was frustrating to see the governor veto the heart presumption legislation citing the alleged “cost” to New York state.

Under current law, University Police Officers are excluded in the categories of police officers that are protected by this statute. University Police Officers work in dangerous, physically demanding and stressful jobs. This inequity is unfair and disrespectful to the police officers who put their lives on the line protecting our institutions, faculty, students and the public. This bill will provide University Police Officers with the same benefit, as it pertains to a heart presumption, as is provided to other state police officers.

Geographic Area of Employment Legislation

The State University Police are the only members of the PBA of NYS who do not have the power to enforce infractions and violations outside of their geographic area of employment (GAE). This anomaly creates a situation that significantly undermines the officers' credibility, legitimacy and ability to perform their duties properly within the existing geographic area of employment.

Due to this unfortunate situation, the State University Police are requesting legislation to correct this wrong. Expanding GAE is a sensible measure to legitimize and augment a University Police Officer’s ability to lend supplemental support to neighboring law enforcement agencies. The legislation does not have a fiscal impact and management for the State University of New York system is supportive of this legislation.

This is a sound public policy because expanding the University Police GAE would also enable officers to provide immediate police action and protect life and property on those occasions where assistance is requested by citizens in areas surrounding our state campuses.

It should also be remembered that many of the New York universities and colleges are experiencing large increases in enrollment due to the governor's initiatives such as free college tuition. The need for additional space to accommodate this growth has resulted in the acquisition of satellite properties, not geographically connected to campus centers. Under current law, while traveling between these properties, University Police Officers are statutorily limited and must ignore all violations and infractions occurring in their presence.

Conclusion

In closing, the PBA of NYS encourages the Legislature to provide a 20-year retirement, a three-quarter accidental disability benefit and a geographic area of employment right to University Police Officers, Environmental Conservation Officers, Park Police Officers and Forest Rangers.

These benefits give them parity with almost all other New York law enforcement agencies.

These benefits will ensure the officers of these invaluable police forces can continue to keep the public safe and maximize the public's ability to take advantage of New York state's natural beauty, resources, history and education systems.

Thank you for giving me the opportunity to testify before you today.