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New York State Senate Standing Committee on Civil Service & Pension  
New York State Senate  
Legislative Office Building  
Albany, NY 12247

October 13, 2023

Dear Chairman Jackson, Ranking Member Weik, and members of the Committee;

My name is Joe Burke and I am very proud to be the Director of the Altamont Free Library in suburban Albany County and the President of the Public Libraries Section of the New York Library Association (NYLA).

As members of this committee know, there are several different types of public libraries in New York State that differ in the way that they are funded and governed. Under New York State Law, municipal libraries, school district libraries and special district libraries are collectively referred to as “Public Libraries”. A fourth category of public libraries are Association Libraries, and Association Libraries are in some respects treated differently.

New York State is home to 346 Association Libraries like mine. Of the 756 public libraries in New York State, 45% are Association Libraries. Association Libraries are located in every region of the state and in all but four counties. Association Libraries perform all of the same critical functions in our communities that other public libraries do. We offer a broad array of materials in every conceivable format for every conceivable segment of our populations. We host enriching and educational programs for everyone from lap-sit storytime toddlers to residents of Senior Living Facilities and everyone in between. We provide a critical link between people and the community services that need access to, and we serve as indispensable community centers. In short, Association Libraries *are* Public Libraries. Indeed, a New Yorker could use dozens of libraries over the course of their lives and never know that there even was such a distinction in New York State law between Association Libraries, municipal libraries, and school district libraries.

However, there are critical differences between the types of libraries. At the heart of the ‘Public Library’ vs. “Association Library” distinction is that fact that Association Libraries are independent 501(c)(3) organizations and are therefore not considered public entities in the same way that municipal and school district libraries are. This primary distinction gives rise to many other subordinate distinctions: Association Libraries are not subject to civil service laws, for instance, and may not be required to seek voter approval for their budgets or Boards of Trustees. The difference that I would like to discuss today, however, is that employees of Association Libraries are generally excluded from the New York State and Local Retirement System or NYSLRS. Our exclusion from NYSLRS has significant ramifications for the recruitment and retention of staff at Association Libraries.

Since there are over 300 of us, it's tricky to make broad generalizations, but with a few noteworthy exceptions, among them New York Public Library, Queens & Brooklyn Public Libraries, Utica Public Libraries, each of which is an Association Library, most Association Libraries are small libraries with small budgets. While some larger Association Libraries like NYPL may be able to sustain and administer private retirement systems on their own, most smaller Association Libraries cannot.

For this reason, Association Libraries are at a profound disadvantage for recruiting and retaining qualified staff members. When a potential library worker has a choice between an Association Library that cannot offer access to NYSLRS and another public library that can, even at comparable salaries, the choice is often not a difficult one. When a long-term Association Library staff member has developed skills and expertise over their career and a position becomes available at a nearby public library that offers access to NYSLRS, it can be difficult for that staff member to stay in the community that they know so well and to whom they mean so much. This leads to small libraries losing out on great staff members whose knowledge of their patrons and communities cannot be easily replaced.

Over the years that the New York Library Association has worked on this issue, we have investigated various legislative remedies for the problem and various partnerships that might lead to Association Libraries being allowed to buy into the state retirement system. Senator Palumbo's **S4245** is an example of one such remedy. We are ready to work with any legislator who shares our concerns.

There is ample precedent for allowing Association Libraries to join NYSLRS. Legislative exemptions have been made, for instance, for New York, Queens, and Brooklyn Public Libraries. On two occasions—in the 1990's and again during the 2008/9 economic downturn—NYSLRS was for a brief time opened to employees of Association Libraries, but those windows were not well advertised or widely utilized. Nevertheless, no apparent ill effects resulted from those exceptions having been made.

The fundamental point is this: Small libraries deserve great librarians. Small communities need to be able to recruit and retain crucial library staff on an even playing field with larger public libraries. Association Library staff deserve the same treatment under New York State law as employees in every other type of public library, since we perform identical work and occupy the same critical role within our communities. I hope that in the coming legislative session we are able to work towards a solution that brings substantial benefits not only to the state retirement system, but to Association Library workers and the communities they serve.

I am grateful to the Committee for your time and consideration of this important issue.

Sincerely,

Joe Burke  
Director, Altamont Free Library  
President, NYLA Public Libraries Section