

TESTIMONY PRESENTED BY

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President



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Testimony of Donald Rowe President

New York State Correctional Officers and Police Benevolent Association, Inc.

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Good morning Chairman Huntley, Chairman Rivera and Members of the Legislature.

My name is Donn Rowe and I am President of the New York State Correctional Officers and Police Benevolent Association- NYSCOPBA. NYSCOPBA represents over 28,000 active and retired critical law enforcement personnel; including State Correctional Officers and Correctional Sergeants who provide vital security and ensure safety of New York's prisons. NYSCOPBA also represents Security Hospital Treatment Assistants and Safety and Security Officers who provide the security and maintain the safety within the Office of Mental Health and Office of Mental Retardation and Developmental Disabilities. In addition, we represent Security Services Assistants and Security Screener Technicians who provide the security here at the Legislative Office Building and at the State Capitol. These are just some of the many security titles which NYSCOPBA proudly represents.

On behalf of all our members, I wish to thank you for the opportunity to comment on issues contained within the Governor's Executive Budget that impact our union.

I will limit my comments to two (2) crucial areas of concern with respect to the recently proposed Executive Budget in regards to Office of Mental Retardation and Developmental Disabilities:

- First and foremost, I will focus on OMRDD and their proposal to haphazardly eliminate fifty (50) Safety Security Officer positions.
- Finally, I will speak to the need to eliminate duplication and waste at the Office of Mental Retardation and Developmental Disabilities administrative level.

The most significant and troubling concern with respect to this year's Executive Budget is the elimination of fifty (50) Safety Security Office positions Office of Mental Retardation and Developmental Disabilities. As recently as January 9 ,2009, I met with Administrators at OMRDD and personally asked if they could tell us which fifty positions had been determined to be eliminated and their official reply was, "We don't

know yet.” I would ask this Committee and the Legislature to ask this question, how can you arbitrarily choose to eliminate fifty safety and security positions and not know which positions they are? I would also ask if these cuts are vital to OMRDD, why is it that that OMRDD has a waiver for SSO’s and why is that there are recent hires?

In an effort to meet the Executive’s twenty-percent mandate, OMRDD haphazardly looked on some spreadsheet and chose the Safety Security Officers as the sacrificial lamb to show some savings. The Safety Security Officer provides a valuable range of services for very modest compensation. In addition to the security function, they also provide fire and safety inspection and testing, family care inspection and certifications and code enforcement functions just to name a few. I have included with my testimony a detailed list of what the duties and responsibilities are of a Safety Security Officer and what he/she provides on a daily basis. This detailed list was written and provided to me by an actual Safety Security Officer.

As the Office of Mental Retardation and Developmental Disabilities continues to expand their group homes and family care residences in the communities, common sense would dictate that there will also be an increased need for safety and code inspections, as well as additional security functions. The last place to look for cuts would be to those that ensure the safety and security of homes and buildings where people with severe disabilities are receiving the critical care they require and deserve.

Please understand that NYSCOPBA is supportive of the Governor’s desire to seek potential cost savings within the budget and I firmly believe we need to begin to be more innovative in our quest. As the state readjusts its spending to reflect the reality of less revenue, I believe eliminating positions at the administrative level has become timelier.

And with the prospect of significant reductions in the Office of Mental Retardation and Developmental Disabilities the administrators should stop cutting from areas that directly affect the safety and security function of New York's group homes and family care residences and take a look at the real waste.

This brings up an interesting dilemma. The very administrators who know the ins and outs of the budget are the very same ones who will be deciding who should stay and who should go. That is why I believe that cuts at the top are even more necessary. With today's technology and instant communication the mental health facilities could merge many parts of the administrative bureaucracy without disrupting the function of the facilities at all. Real savings would emerge and that would not affect the staff or the patients.

The potential for immediate savings is enormous. OMRDD has layer upon layer of bureaucracy and these are people that never provide one ounce of direct care to the patients. They do however have one massive operations center at 44 Holland Ave. in Albany that employ's many administrators who earn more than \$100,000 dollars a year in salary and this doesn't even include the generous benefits each of these administrators receive. Eliminating just a few of the administrator's lavish salaries and benefits would easily satisfy the twenty-percent reduction they are currently attempting to accomplish on the backs of the Safety Security Officers. The total payroll and benefits for those administrative positions would easily save tens of millions of dollars in 2009 alone. New York can no longer afford these unnecessary political positions and together we can stop this waste and duplication of services.

Each of the titles and salaries of OMRDD administrators are available on the website www.seethroughny.net. NYSCOPBA recommends that the current twenty-percent reduction that Commissioner Ritter is proposing, begin with the administrators before they callously cut from safety and security, which in turn creates risk to the surrounding communities.

NYSCOPBA stands firmly opposed to eliminating necessary positions simply for the sake of making cuts. We also believe that if twenty-percent in savings is to be realized it should be cut from the bloated bureaucratic administrative level located at 44 Holland Avenue in Albany and not from the men and women who provide safety and security to the patients, the staff, and the neighborhoods these homes are located in.

Please feel free to call upon me personally at any time should you have any questions on these matters. I can be reached at 518-427-1551. Once again, thank you for your time on this very serious matter.

The Safety Security Officers at the Central New York DSO has a extensive range of duties:

SECURITY FUNCTION:

1. Safety Security Officers are responsible for the immediate security of the Main Facility at 800 S. Wilbur Ave. This is a required task as per the sale agreement to the new owners. Per the agreement the State is responsible for all the security functions that were in existence for 3 years from the date of the closure or when the DSO ceases to be an occupant of the site, whichever comes first. This agreement must be honored until the middle of 2011. We open the facility at 5:45 AM and close it at 7:30pm every Monday through Friday. Safety is required to have a presence in the building anytime the building is open. This includes foot and mobile patrol of the building and the grounds as well as fixed posts to monitor visitors, staff, and consumer traffic.

2. Safety Security Officers supply escort service for the state cashiers to area banks with deposits and withdrawals twice a week from both the Eastern and Western Offices. This service has been required by Central Officer Audit requirements since 2008 when it was determined the cashiers and the State was at excessive risk in making the trips alone.

3. Safety Security Officers respond to calls about trespassers on the grounds and in the building assuring a safe and secure atmosphere. We use the Syracuse Police as a back up as soon as an incident begins to get beyond our control.

4. The Safety Security Officer Department supplies an after hours on call schedule through a beeper system that assures response to all the group homes and other state facilities in the eight counties. In the case of the Wilbur Ave. facility Safety is the only contact that responds to the facility to network with all local authorities for burglaries, fire alarm and/or sprinkler activations. Safety Security Officers make two security checks each weekend at the Wilbur Ave. facility as well as other sites when designated to assure the integrity of the building. In the case of all unoccupied sites such as offices, and Day Habs Safety is the first DSO responder when motion detectors, alarm activations, during the non business hours. This response function takes place at all hours of the day and night and in multiple jurisdictions and requires meeting State Police, County Sheriffs, Municipal and Local Police as well as a eight counties worth of paid and volunteer fire departments.

5. The Safety Security Officers Department responds for requests of service Monday through Friday to any state facility as it pertains to Fire, Fire Alarm and/or suppression devices, Burglar Alarm systems or other needs.
6. Safety Security Officers oversee the Health & Safety Committee and are part of the Violence in the Workplace Process that was initiated by the NYS20 Legislature in 2008.
7. Safety Security Officers are the primary consultants when it comes to deciding what the best form of technology to install when it involves criminal activity, fire evacuation, fire detection, fire suppression, or consumer protections. We supply the internal investigation, follow up, to all fires and emergency responses from local authorities.
8. All Safety Security Officers are required to be trained the Lawful Use of Force and the use of a baton annually as well as maintain certifications in First Aid and CPR. They are also listed in the DSOs defibrillators as the Approved users at the Wilbur Ave. Facility. Such list of users is required by the new public building defibrillator law that was passed by the legislature and signed into law by the governor.

Presently, all of the current Safety Security Officers perform some or all of these functions at various points in time. These tasks require a minimum staffing of 5 FTEs. Two on the East and two in the West with one person floating back and forth to fill in for days off and special applications.

FIRE/SAFETY INSPECTION and TESTING FUNCTION (State Owned or Operated sites)

1. The Safety Security Officers supply the NFPA required quarterly testing of all the Alarm Systems and Sprinkler systems at all the Group Homes, Day Habs, Offices except of the Wilbur Ave facility. Safety arranges O D for all repairs to all the fire detection and suppression devices as well as regular replacement of back up battery systems for these systems. Along with this test is done the OMRDD quarterly fire/safety inspections of every facility in the DSO. At the time of these inspections safety replaces or arranges for any corrections needed to all additional Life Safety Devices and systems; including but not limited to Exit Signs, Emergency Lighting, Back up alarm systems and/or monitoring devices, Safety Security Officers also inspect and maintain all the fire extinguishers during this visit. The fire extinguishers are looked at every month by house staff as to checking the pressure reading, and quarterly the safety department does the NFPA required preventive maintenance and arranges for necessary replacements and makes the Hydrostatic tests are current as per the NFPA requirements. This system was implemented to maintain the NFPA

requirement for monthly inspection of extinguishers, while limiting the need for a Safety Security officer to visit every site every month to check the extinguisher.

The need to accomplish these functions is 4 FTEs (2 East & 2West).

FAMILY CARE INSPECTION AND CERTIFICATION

1. Safety is responsible for 100% of the Annual Inspections that are required by OMRDD regulations in the Family Care homes. There are approximately 350 of these inspections done annually. They are spread over the eight counties and there is a great amount of travel involved. Safety Security Officers supplies all the fire evacuation plans and fulfills the required training components of the certification process in these homes.

Safety maintains all the smoke detectors as well as the fire extinguishers in all these homes. We inspect the homes for NYS Building Code violations as well as internal regulations. We test hot water, GFCI's as well as monitor for carbon monoxide, hazardous materials, fire and safety hazards. Many times these sites require multiple visits to meet initial requirements or remain certified. These inspections are required per OMRDD regulations.

2. Presently, Safety Security Officers are performing the Quality Service Audits on 10% of the State Operated and 100% of the Voluntary sites as to the look back Audit. This Audit is required by Family Care Regulations and Audit from Central Office. This Audit must be an arms length review from the certification and therefore, the officer involved presently cannot function in the other Family Care roles.

Together these functions require 2.5 FTEs (1East & 1West & 1/2 for audits)

Code Enforcement Functions:

1.. The Safety Security Officers Department supplies all the research, consultation, and technical assistance to write Fire Evacuation Plans for all the State Operated Group homes, as well as the Family Care Program. Safety Security Officers write, update, monitor, and enforce the Fire Evacuation Policy for the entire DSO. Such Policies and Plans are required by all regulatory agencies from Dept.of Labor, OMRDD, Department of State, NFPA, Department of Health, etc.. Safety is the primary source of information for creating all emergency evacuation plans, and the main consultant in making assessments as to how to improve evacuation capacity of our consumer group and staff. Safety consults on every upgrade as to consumer need when it

involves Fire Evacuation, Fire Protection, Life Safety Issues as well as any changes to the physical plant or work environment. Safety Department is the initial contact agent for the Right to Know Information.

2. We supply training to staff in all aspects of the Safety Process from including Right to Know, Violence in the Workplace, Fire Evacuation and the use and interaction with the alarm systems, extinguishers as well as any other emergency response systems.

3. Safety Security Officers network with Local Code Enforcement, as well as Police Departments and Fire Departments to assure that we have a functioning relationship and that we are in agreement as to the best systems to implement for the benefit of our consumers, the Agency as well as the surrounding community.

4. We supply all initial design requirements and specific actions for our emergency systems when we do site design and project development in our new and/or renovation projects.

5. Safety Security Officers work regularly as a consultant to the private agencies when it comes to Life Safety Codes, Building Codes and Internal Regulation requirements. BPC consistently refers the Private Agencies to us for consultation when it comes to determining how to deal with the physical plant upgrades and systems of consumer protection.

6. Presently, we have the only 6 employees at the CNYDSO that are NYS Code Enforcement Certified which allows them to sign required building permits and Certificates of Compliance or Occupancies in the state facilities. Safety is responsible for doing the NYS Building Code Annual Part 1204 Inspections. This inspection is required of all state owned or occupied buildings by the NYS Building Code that is enforced by the Department of State and OMRDD.