

Assembly Member Smullen  
5659 State Route 5 Suites 1-3, Herkimer, NY 13350

Dear Assembly Member Smullen:

As a constituent and a state employee represented by the New York State Correctional Officers & Police Benevolent Association, Inc. (NYSCOPBA) I ask that you support Tier 6 pension reforms to assist the State in its efforts to improve recruitment and retention of state employees, and to restore equity for Tier 6 plan members' contribution rates and final average salary calculations (FAS).

New York is experiencing a severe staffing crisis in corrections. In NYS DOCCS, we have over 4500 correction officer vacancies and the pipeline for new recruits is not providing the relief that we need. The staffing crisis is causing our current employees to endure grueling work schedules and we are burning out. My colleagues and I are required to work unreasonable amounts of overtime. We are being forced to work overtime on our regularly scheduled days off! This is taking us away from time that could be spent with family and friends while trying to decompress ourselves from stressful working conditions. To make matters worse, because of the forced overtime, Tier 6 requires that we pay higher contribution rates to the retirement system. Also, we are prevented from applying all our forced overtime earnings to our FAS calculations. The more we are forced to work, the more we are required to pay in the retirement system that will end up paying us less in our pensions. That is not a sustainable formula for recruiting and retaining employees in our line of work.

Over 60% (and growing) of my brothers and sisters of NYSCOPBA are participants in the Tier 6 retirement plan, and compared to many of our co-workers, we will receive a reduced retirement benefit that will require us to work longer and earn less in retirement in an increasingly violent atmosphere. The diminished retirement benefits for Tier 6 employees have resulted in fewer people willing to consider a job in law enforcement. Many new hires resign before they make it out of the training academy. We are also seeing an increase in resignations from employees with several years of experience because the risk is no longer worth the reward. Recent reforms to Tier 6 that reduced plan vesting years from 10 to 5; and temporarily removed overtime from pension contribution calculations was a step in the right direction, but more needs to be done.

Now, we must make the pension contribution rate of 3% for all employees. Paying a higher contribution rate is a disincentive to those seeking a career in public employment and penalizes those who receive promotions, negotiated raises, or work overtime. An affordable retirement used to be one of the most attractive benefits that state employment had to offer. Restoring the standard 3% contribution rate for all workers will help make public employment more attractive to prospective employees again. Other needed reforms to Tier 6 include using the three highest-consecutive-years of salary (as opposed to the current 5 years) in calculating FAS; and increasing the amount of overtime (mandated or volunteer) that can be applied in calculating the FAS.

As my elected representative, I ask that you work with your colleagues in the State legislature, and the Governor, to amend the state's Retirement and Social Security law to better attract new employees and to provide equity for current and future employees. Thank you for your time, attention, and consideration of this very important issue.

Sincerely,

Michael A Marro