



**NEW YORK STATE SUPREME COURT OFFICERS ASSOCIATION, INC.
I.L.A. – A.F.L. – C.I.O.**

**TESTIMONY BEFORE THE NEW YORK
STATE JOINT LEGISLATIVE BUDGET
COMMITTEE
PATRICK CULLEN, PRESIDENT
NEW YORK STATE SUPREME COURT OFFICERS
ASSOCIATION
January 30, 2018**

Good afternoon Chairwoman Young, Chairwoman Weinstein and members of the legislature.

It is indeed an honor to be able to once again appear before you representing New York State's Court Officers. In doing so, I seek to present some crucial information about our service to the State and how the budget will affect our duty to provide that service to our fellow citizens.

For the first time in my five years of addressing this committee, New York's Court Officers are working under a new collective bargaining agreement. In reaching this agreement, we incur real increases in compensation, equitable with other state agencies. We also will see increases to our welfare fund, allowing us to continue to provide our members with a generous benefit package. It was a difficult process, but after working under an expired contract for seven years, we are finally moving forward. Additionally, we were able to create a new financial benefit for uniformed law enforcement personnel which recognizes the hazards of our employment and aids in supplementing the zero growth years that all state employees sustained. I thank the members of the legislature for their support throughout the many years we fought to reach this agreement.

The critical work of collective bargaining is behind us, however, we face many challenges as we proceed forward. We are still short approximately 250 officers in New York City and the 9th Judicial District. The problem exists not in the amount of people who want to accept employment as Court Officers, but in the Office of Court Administration's absence of a policy to steadily recoup our losses to retirement, promotion and attrition outside the system. We lose more people per year than we gain. We are operating at a net loss while non-uniformed personnel is not. For example, supreme court justices formerly were entitled to a court attorney and a secretary and are now employing an extra court attorney instead of the secretary. That second attorney is

paid at a much higher salary than a secretary. This drives budget costs up dramatically and results in a clear inability to hire new Court Officers. While I understand the importance a court attorney provides in the assistance of clearing backlogs, not every justice requires the addition of one and certainly not on the backs of security personnel who continue to do more work with less resources. Plainly stated, over the course of the last number of years, the Court system has hired twice as many attorneys as it once employed while allowing the levels of security staff to dwindle some 20%. Similarly, administration has determined that, due to budgetary constraints, it is unable to properly promote our members above the rank of officer. We have dozens of Sergeant and Lieutenant positions that remain vacant for exceedingly long periods of time. I have been told that these positions cannot be filled until budget clears them, when people distinctly held these positions in the recent past. In turn, we have people working out of title and perhaps not trained or qualified for the standards required of the job which they are performing. This is backwards and a perilous manner with which to operate the safety of a branch of our state government. If a position is vacated for whatever reason, it should be filled in a reasonable amount of time and not unnecessarily withheld to play games with a budget. Furthermore, the Office of Court Administration allowed its main training facility to lose its lease without a contingency plan. The New York City based training facility was vital in accepting large groups of recruits and helping recover staffing losses. Now, the primary training facility for new recruits is located 150 miles north of the city in Castleton, New York. A large majority of eligible recruits hail from New York City and Long Island. These folks are now asked to relocate for fourteen weeks of training and it is my firm belief that we lose interested, bright and very qualified individuals based on the inconvenience this presents. What is even more baffling is that completion of a stand alone academy on Classon Avenue in Crown Heights, Brooklyn was slated to be operational in 2012, with approval in 2006 by Governor Pataki and had 30 Million dollars earmarked by Governor Spitzer for finalization has yet to open its doors. Why, in 2018, then, is the Office of Court Administration losing a lease and unable to open this new academy which will easily provide a local, modern, accessible and consistent location to address security shortfalls. Irresponsible hiring practices and out of control spending on items that do not have a bearing on the day to day safety of court users.

Governor Cuomo's paid family leave plan is the initiative that hard working New Yorkers need. In fact, it is something organized labor has been clamoring for over a long period of time. While well within its rights, the Unified Court System has opted not to participate, virtually conveying to its employees that caring for a newborn or a sick family member is less important than your presence at work. These are critical times in one's life and the message being sent here is misguided. As many other state employees will deal with these major mileposts in their lives, my members will continue to deal with the stresses of finances, job security and healthcare as their employer forces them to use their accrued time with such a lack of compassion and understanding of the depths of human experience such instances carry with them. The Governor's mandate that state employees under Executive control are actively negotiating the provisions of this new and important Family Leave Act and the Office of Court Administration's abject failure to recognize its responsibility to offer its employees the same benefit is insulting and devastating. Over 90% of the Judiciary Budget is designated to the very engine that runs

the system, people, the citizens you represent. For the Court System to deny this assistance to those people is reprehensible and they should be held to task to, at the very least, negotiate this with its employees as has its co-equal partners in government.

As I visit the court facilities that I have the privilege to represent, it is an ever present occurrence that the security infrastructure is below standard. In almost every court, there are surveillance camera systems that do not work. In this workplace environment where we are short staffed by 20%, these cameras aid in the secure operations of our courts. Everyday there are incidents which require official law enforcement action be taken. To ensure that action is proper and lawful, we rely on this equipment to aid in the performance of our duty. These systems must be brought up to date to help provide a safe and orderly function of the administration of justice. Similarly, our radios, magnetometers and x-ray machines must be up to the standards of those used in federal courts. I call on you to help guide the Office of Court Administration to collaborate with federal authorities to update all systems and policies which continue to remain archaic and substandard. In many of these court facilities there are hundreds of boxes of computers and other goods laying idle and never used. They are representative of the waste the court system finds acceptable and their reckless and imprudent spending habits. There are more pressing needs than more computers every single year.

In order to claim the safest and most efficient judicial system in the country, we must be open to new and innovative procedures. The creation of a specialized K-9 unit to identify explosives in and around all State courts is becoming a necessity. Based on recent terror incidents in New York City, it is only a matter of time before a strike is made at the heart of American justice and the hallmark of righteousness, a courthouse. These highly effective units have proven to detect as well as deter explosives incidents in public places around the world. Many other agencies' units are willing to assist in making this program financially less burdensome, but the time has come to introduce a program like this as proactive before it is introduced as a reaction to a deadly incident.

For five years I have come here to Albany and been privileged to make a presentation to this Committee. The budget process is enlightening and fascinating and it makes so much of a difference to the men and women who serve New York State. I ask on this visit that you keep in mind the positive attributes as well as the negative elements of waste that these agencies incur. I ask that you take into account that all of these decisions are not just numbers in a line item, but real issues that impact the quality of life of so many citizens. They are your parents, your children, your co-workers and your constituents and so many of the decisions made during this process determine the type of year they will enjoy or endure.

Thank you for your time and consideration