



**Testimony Before the New York State Joint Legislative Fiscal
Committee Regarding the SFY2010-2011 Executive Budget
February 10, 2010**

Statement of Rebecca Brown Cesarani, Interim Executive Director,
New York City Employment & Training Coalition

Good morning Chairman Kruger, Chairman Farrell, and Senators and members of the Assembly. Thank you for the opportunity to testify today about workforce development programs in Governor Paterson's proposed SFY2010-2011 Executive Budget.

My name is Rebecca Brown Cesarani and I am Interim Executive Director of the NYC Employment and Training Coalition (NYCETC). NYCETC is a non-profit association of over 200 community-based organizations, community colleges, and labor unions that provide job training, education, and employment services to over 800,000 people annually across New York City's five boroughs. Our member organizations serve unemployed workers, disconnected and at-risk youth, ex-offenders, immigrants, welfare recipients, and persons who are homeless, elderly, mentally and physically disabled, and HIV-positive. NYCETC envisions a city where every resident has opportunities and access to gain the skills and supports they need to become employable, and every business can attract and retain highly skilled workers.

As you well know, our country continues to weather the worst economic downturn since the Great Depression and New York City's unemployment rate -- at 10.6% -- is now higher than the U.S unemployment rate (10%), as well as New York State's unemployment rate (9%). Demand for the workforce development services provided by our member organizations has increased substantially over the last year. The dramatic increase in unemployment, coupled with the decrease in job sustainability and growth, has also meant that our member organizations are serving a more diverse population. Middle-class New Yorkers, for example, who once had stable careers, are increasingly turning to our membership for services and support.

We commend the New York State Department of Labor and Office of Temporary and Disability Assistance for moving quickly last year to implement new funding that came to the State under the American Recovery and Reinvestment Act to support critical workforce development initiatives. New York City received nearly \$70 million in Workforce Investment Act (WIA) formula funding under the Recovery Act that supported such critical programs as job training and placement services for adults, as well

as the largest Summer Youth Employment Program in the City's history, which provided jobs for over 50,000 young people for the summer. With Recovery Act funding, the State Department of Labor also awarded \$5 million in WIA funds for Disconnected Youth Grants and \$15 million in WIA funds for Emerging and Transitional Worker Grants statewide.

WIA and Temporary Assistance for Needy Families (TANF) funding under the Recovery Act also enabled the Labor Department, in partnership with the State Office of Temporary and Disability Assistance, to support 20 nonprofit organizations in New York City to operate Career Pathways programs that prepare individuals age 16 and older for jobs in industry sectors that offer advancement opportunities and career ladders. OTDA was also able to support other critical employment and training programs in part with TANF dollars made available under the Recovery Act, such as Wage Subsidy -- a program that helps an employer to meet his or her bottom line at the same time it helps a low-income individual to enter the workforce, or Educational Resources -- a program that helps to raise the literacy levels and English language skills of adults.

The Recovery Act was the good news. The *bad* news is that the funding was a brief shot in the arm and it will essentially run out at the end of this year even though the unemployment rate remains high and increased demand for services persists. Moreover, the Governor has actually proposed cutting a total of nearly \$80 million statewide in employment and training programs funded by TANF in SFY2010-11, and completely eliminating many of them. Programs to be zeroed out entirely include: Wage Subsidy (\$14 million), Career Pathways (\$10 million), Bridge (\$8.5 million), ATTAIN - Technology Training (\$7 million), Educational Resources (\$3 million), and the Refugee Resettlement Assistance Program (\$1.425 million). I mentioned the Summer Youth Employment Program earlier -- this \$35 million program is also slated to be eliminated.

These programs provide a range of vital services to thousands of low-income New Yorkers citywide, including literacy and English language skills development, vocational training, job placement, and subsidized wages. They are not only critical to helping individuals build marketable employment skills and providing families with income, but they are also vital to helping New York's employers to grow their businesses with talented workers.

In the scope of the entire State budget, TANF funding for employment and training programs is not significant and we urge you to find the savings elsewhere, as this is not the time to be eliminating programs that help poor New Yorkers to make a living. We hope that Washington will pass a Jobs Bill soon that will provide New York and other states some fiscal relief so that they don't have to cut as deeply, and we are working with our partner coalitions in Washington to call upon Congress to act quickly. In the meantime, on behalf of NYCETC and its 200 member organizations who work tirelessly on the ground daily, I ask you to please do everything you can in the next few weeks to restore funding for these important employment, training and skill-building programs at a time when they are needed most. Thank you!

New York City Employment and Training Coalition Members

General Members

1199 SEIU/League: Employment,
Training & Job Security Program
Access Careers Training
ACE Computer Training Center
ACS / Concera Corporation
The Actors' Fund of America
AFSCME District Council 1707
The After School Corporation
Agudath Israel of America
AHRC – NYC Chapter
Alliance Computing Solutions
Arbor, Inc.
The Associated Blind, Inc.
Association for Community Employment
Programs for the Homeless
Association of Graphic Communications
Bedford Stuyvesant Restoration Corporation
Binding Together
Black Veterans for Social Justice
Borough of Manhattan Community College,
Center for Continuing Education & Workforce
Development
Bowery Residents' Committee, Inc.
Brooklyn Bureau of Community Service
Brooklyn Chamber of Commerce
Brooklyn Workforce Innovations
Builders for the Family and Youth, Inc.
Career Blazers
Career & Educational Consultants, Inc.
Career Gear
Career Quest Staffing
Catholic Charities Community Services
Center for Employment Opportunities
(CEO)
Center for Family Life in Sunset Park
Center for Urban Community Services
Charosa Foundation Corporation
Chinatown Manpower Project
Chinese - American Planning Council
Church Avenue Merchants Association
(CAMBA)
Citizens Advice Bureau
City University of New York, Adult &
Continuing Education
City University of New York, Institute for Software
Design & Development
Coalition for the Homeless, First Step
College of Staten Island
Community Education & Development Center
Community Impact at Columbia University
Consortium for Worker Education (CWE)
Cooperative Home Care Associates
Corporation for Supportive Housing
Council of Jewish Organizations of Flatbush
Culinary Academy of New York, Inc
Cypress Hills Local Development Corporation
Discipleship Outreach Ministries, Inc.
DOE Fund
Dress for Success New York
EarnFair LLC
East Harlem Council for Community
Improvement (EHCCI)
East River Development Alliance
Ecumenical Community Development
Organization
The Education & Work Consortium –
Welfare to Career Project
Emerging Technologies Institute
FEDCAP Rehabilitation Services
F-E-G-S Health and Human Services System
Fifth Avenue Committee
Forest Hills Community House
Fort Greene Strategic Neighborhood Action Partnership
The Fortune Society
Friends of Island Academy
Fund for the City of New York/Youth
Development Institute
Garment Industry Development Corporation
Gay Men's Health Crisis
Good Shepherd Services
Goodwill Industries
Grace Institute
Grand Street Settlement
Grant Associates
HANAC, Inc.
Helen Keller Services for the Blind
HELP USA
Henkels & McCoy, Inc.
Henry Street Settlement
Herard Center of Technology
HOPE Program
Institute for Life Coping Skills
International Center for the Disabled (ICD)
Int'l Rescue Committee/NYC Refugee
Employment Project
Jamaica Neighborhood Center
Jewish Community Council of Greater
Coney Island
Job Path
Kingsborough Community College
Kings County Hospital EVR
Korean Community Services of Metropolitan NY
LaGuardia Community College
Lenox Hill Neighborhood House
Lutheran Family Health Centers, Family Support
Centers
Managed Work Services of New York
Manhattan Educational Opportunity Center – Bridge
Program
Metropolitan Council on Jewish Poverty
Micropower Computer Institute
Midtown Community Court / Center for Court
Innovation

New York City Employment and Training Coalition Members

National Association on Drug Abuse
National Institute of Technology
Neighborhood Coalition for Shelter
New Age Training, Inc.
New Heights Neighborhood Center
New York Association for New
Americans, Inc. (NYANA)
New York City College of Technology
New York Work Alliance
New York Work Exchange
Non-Profit Assistance Corporation
Nontraditional Employment for Women
Northern Manhattan Improvement Corp.
NPower New York
NYU Medical Center/Rusk Institute
Opportunities for a Better Tomorrow
Osborne Association / South Forty
Corporation
Our Planet Management Institute, Ltd.
Paraprofessional Healthcare Institute, The SKILL Center
Partnership for the Homeless
Pathways for Youth
Per Scholas
Phipps Community Development Corporation
Professional Technologies, Inc.
Project Renewal
Queens Economic Development Corporation
Queens Educational Opportunity Center -- Bridge
Program
Ridgewood Bushwick Career Services
Riverdale Mental Health Association, Inc.
Security Works Inc.
SOBRO
South Bronx & Brooklyn Job Corps Academies
Southern Queens Park Association Inc. (SQPA-NY)
Stanley M. Isaacs Neighborhood Center
Staten Island Employment & Education
St. John's Place Family Center
St. Nicholas NPC
Streetwise Partners, Inc.
STEPS, Inc. (Support for Training & Educational
Program Services)
STRIVE
SUNY Brooklyn EOC
Sustainable South Bronx
UDI Manhattan Inc.
United Neighborhood Houses
VISIONS/Services for the Blind and Visually Impaired
Vocational Foundation
Wildcat Service Corporation
Women in Community Service, Inc.
Women In Need, Inc.
Women's Center for Education &
Career Advancement
Women's Housing and Economic Development
Corporation (WHEDCO)
Xincon Technologies

Year Up Inc.
YWCA of the City of New York

Associate Members

Center for Independence of the Disabled
Community Voices Heard
ContinYou Learning Associates
Day Care Council of New York --
Family Support Program
Department of Small Business Services
HOSTOS Community College
Hunter College / CUNY-Counseling Programs
InStep Consulting LLC
Just One Break, Inc.
Legal Momentum
New York City Housing Authority --
Department of Housing Finance &
Development
New York City Peer Intervention Program
New York State Office of Children & Family Services
Plaza College
Project Teen Aid Family Services, Inc.
The Salvation Army, Homeless Veterans Reintegration
Program
Services for the Underserved
Shorefront YM-YWHA of Brighton-Manhattan
Beach, Inc.
Train and Gain, Homes for the Homeless
UJA Federation of New York
United Way of New York City
Upper Manhattan Empowerment Zone Development Corp.
Volunteers of America
Yonkers Center for Continuing Education

Individual Members

Troy Burgher
Bret Halverson
Jack Krauskopf
Eleanor McGee
Ella M. Villasin
Susan Zitter

Testimony of

Public Employees Federation
AFL-CIO

Robert Anderson
Compensation Claims Referee/Law Judge

To

Joint Legislative Hearing on 2010-2011
Executive Budget Proposal Workforce

On

The Funding of a Pilot Project at the New York
State Workers' Compensation Board to Replace Hearing
Reporters with Digital Recording Equipment at
Workers' Compensation Hearing

February 10, 2010
Albany, New York

Members of the committee, I thank you for allowing me to speak today. My name is Robert Anderson. I am a referee/law judge with the New York State Workers Compensation Board. I am speaking on behalf of the Public Employees Federation which represents over 500 employees at the Workers Compensation Board including supervising verbatim court reporters.

I am here today to ask that you not allow the Workers Compensation Board to proceed with its plan to divert monies it receives from assessments and use the monies to fund a pilot project to replace the Board's court reporters with digital recording devices. You are deciding more than whether a pilot project should be funded. You are deciding how injured workers that you represent should be treated by the Board. This pilot project is part of a larger plan by the Board to restrict the injured worker's access to a hearing before a law judge. The Board is gradually removing the people needed to hold a hearing for the injured worker. Already, the doctor who treats a represented injured worker does not appear at a hearing to testify on whether the injured man or woman has a work related injury or the degree of the injured worker's disability. Instead, the doctor is deposed by phone, without the worker being present at the deposition. The elimination of court reporters will be the removal of one more person who is needed to hold a hearing.

Management at the Board has clearly stated that its goal is to make more and more decisions affecting the injured worker without holding a hearing. Management has recently started a new program called the MAP program, in which many issues that affect the injured worker and that are now being decided at a hearing will be decided without the injured worker having had a hearing. In many cases, the injured worker will receive a written notice stating what the Board has decided. The injured worker will have 30 days in which to object to the proposed action. However, many injured workers may not have carefully read the notice or the proposed action may be buried in bureaucratic legalese. If the injured worker does not send an objection to the proposed action within 30 days, the decision becomes final.

Although the Board's plan to replace court reporters with electronic recording devices is called a "pilot project", it is unlikely that, after the Board has spent over two million dollars, it would ever find the project to be a failure. Labeling its plan a "pilot project" is a way for the Board to avoid entering into a meaningful discussion of the program's merits.

I urge you not allow the Board to proceed with its plan to fund this "pilot project" because it will lead to the removal of court reporters and further restrict the injured worker's right to a hearing. I also urge you, in your oversight capacity, to monitor the Board's actions in the current fiscal year. An example of why this is necessary is that a short time after Senator Onorato's Senate Labor Committee recommended that the Board not go forward with the pilot project because the pilot project was not authorized by law, would jeopardize the accuracy of transcripts, and would otherwise compromise workers compensation proceedings, the Board signed a million dollar contract with a Canadian company for the project.

February 10, 2010

Members of the Senate Finance Committee, Assembly Ways and Means Committee and the Labor Committees. My name is Lori LaPlaca. I am a Verbatim Reporter at the Workers' Compensation Board and I'm the Executive Vice President of CSEA, Local 016.

Just by way of background, in October of this year, the Senate Labor Committee held a public hearing on the issue of a proposed pilot program to install digital-recording equipment at the Workers' Compensation Board. Senator Onorato, Chairman of the New York State Senate Standing Committee on Labor, issued a press release afterwards stating that the Workers' Compensation Board May Not Electronically Record Hearings Unless the Legislature Changes Current Law Requiring the Use of Stenographers. The Board, apparently, had no intention of following these recommendations since it signed a contract on January 21, 2010 with a digital-recording company called High Criteria, Inc, a Canadian based company. The transaction amount is estimated at \$916,160.00. The end date of this contract is January 20, 2013.

Senator Onorato issued another press release on February 3, 2010 criticizing the NYS Workers' Compensation Board for going forward with their digital-audio recording pilot program, when they have no legal authority to pursue it, and reiterating the fact that the Board offered no evidence to support their contention that there is a lack of court reporters or that this equipment will provide any cost savings to the State.

On behalf of the Verbatim Reporters, we are imploring all Committee Members to take a look at the agenda of the Administration of the Workers' Compensation Board, and urging vigorous oversight of the Workers' Compensation Board because in these

fiscally hard times it seems outrageous to allow them to divert funds away from employers for a program that is in violation of the Workers' Compensation Law Section 122, which states that:

“A copy of the testimony, evidence and procedure of any investigation, or a particular part thereof, transcribed by a stenographer in the employ of the board and certified by such stenographer to be true and correct may be received in evidence with the same effect as if such stenographer were present and testifying to the facts so certified.”

According to Cheryl M. Wood, Special Counsel to the Chair, this section does not require that records of hearing testimony be taken by WCB employees, nor does it require that testimony be recorded by a stenographer. Her interpretation of the law seems somewhat skewed. When the Board attempted to do this several years ago, it was quickly rejected by the State Legislature. The Board has no right to go forward without some kind of legislative approval.

The Board also contends that Workers' Compensation Law Section 142 and 143 provide the statutory framework for digital or electronic recording of Workers' Compensation hearings, in that it specifically provides that the Board is authorized and empowered to use electronic means to comply with the statutory mandate of keeping accurate records of all hearings held. These sections specifically deal with the storage of transcripts after they are transcribed by the stenographers. They do not allow for the electronic recording of minutes.

The Board keeps maintaining two themes: No one will lose their job and it's just a pilot program. If no one will lose their job, then there most certainly will not be any cost savings. In fact, during the pilot phase, there will be more costs incurred as the

Board plans on comparing the transcripts from the digital-recording equipment and the stenographers. The Board already conducted a pilot program in 1996. It failed. They have shown no justification for spending this kind of money, which the State does not have to begin with. If the Board's current interpretation of its own laws were true, they would have been able to go forward the first time this was proposed. Since they have no intention of asking the legislature to change the law, it is tantamount to a criminal act on their part to just go ahead and sign a practically million dollar contract for equipment that will probably wind up collecting dust like so many are in other courts.

Again, on behalf of the New York State Workers' Compensation Board Verbatim Reporters, we thank you for your time and consideration in this matter.