

12 *Patrolmen's
Benevolent
Association*

Of The City Of New York, Incorporated



BEFORE THE NEW YORK STATE SENATE FINANCE
AND ASSEMBLY WAYS AND MEANS COMMITTEES

Joint Legislative Public Hearing on 2016-2017 Executive Budget Proposal:

Topic "Public Protection"

Thursday, February 4, 2016, 9:30 am

Hearing Room B

Legislative Office Building

198 State St., 2nd Floor

Albany, NY 12210

STATEMENT OF PATRICK J. LYNCH,
PRESIDENT OF THE PATROLMEN'S BENEVOLENT ASSOCIATION
OF THE CITY OF NEW YORK

Good afternoon, Senators and Assemblymembers. Thank you for the opportunity to provide testimony regarding the 2016-17 New York State budget and for your consideration of the Patrolmen's Benevolent Association of the City of New York's position on key budget-related issues.

As many of you may know, our union represents more than 24,000 rank-and-file members of the New York Police Department. They are the women and men who patrol New York City's streets and do the difficult and dangerous work of protecting every resident, every visitor and every business operating within the five boroughs.

In his testimony last week, Mayor de Blasio described New York City as the "economic engine" of New York State. What the Mayor did not mention is that New York City's current economic vitality is the direct result of the extraordinary public safety gains that our police officers have achieved over the past 25 years.

Parts of the City that were once virtually unlivable have been reclaimed through the hard work of police officers in radio cars and on foot posts in every neighborhood.

These are not merely gains on paper — they represent a real improvement on the streets that can be seen and felt by tourists, by developers, by investors and by everyday New Yorkers.

This public safety renaissance has been tremendously important to the economic and fiscal health of New York State as a whole. New York City now produces 57 percent of the State's revenue, and it contributed more than half of the state's private sector job growth in the

past year. Unfortunately, New York City police officers are not currently receiving the support we need to maintain these public safety gains, which continue to deliver such tremendous dividends to the City and State.

At a time when New York City carries billions of dollars in budget reserves, we remain the lowest paid police officers of any comparable law enforcement agency, either locally or nationally. Some of our members are afforded a line-of-duty disability pension that is dramatically inferior to the one provided to every other police officer in New York State. And, we are not adequately trained and equipped to face the latest terrorist threats.

If the police officers of the New York Police Department are expected to continue to contribute to the vitality of the City, we respectfully request your support for the following initiatives during the budget process and the legislative session:

One priority is the three-year extension of the Taylor Law interest arbitration provisions that apply to police officers and certain other uniformed employees, which is included in the Governor's Executive budget.

As you may know, the Taylor Law's impasse resolution process represents our union's only recourse in the face of New York City's long-standing refusal to pay us at a rate even approaching our local and national counterparts.

During the 1990s, New York City police officers were forced to rely on a flawed and biased impasse resolution process that effectively froze New York City police officers' salaries, causing them to fall 30 percent or more behind their counterparts in comparable local jurisdictions.

The Legislature attempted to help close that gap in 1998 when it granted the PBA the right to resolve impasses under the Taylor Law's market-based arbitration award criteria. However, after nearly two decades of bargaining, four arbitration awards and one negotiated settlement, we remain in virtually the same uncompetitive position as we were in under the previous arbitration regime, for several reasons.

One glaring issue is the complete lack of codified ethical standards for neutral arbitrators, especially any safeguards against conflicts of interest and other behavior that is uniformly considered inappropriate in similar forums.

Interest arbitrators have a tremendous influence over the finances and operations of public employers, as well as the lives and working conditions of public employees. Given the current scrutiny on public officials at all levels of government, it is especially important for taxpayers and public employees to be able to trust that the arbitration process is unbiased and can deliver "just and reasonable" results according to the Legislature's statutory criteria. We will therefore seek legislation establishing a code of conduct for arbitrators in Taylor Law proceedings, modeled on the ethical codes already in widespread use in other private and public sector arbitrations.

Establishing an unbiased process to address New York City police officers' compensation issues is not just a matter of fairness — it is a matter of public safety. We have seen the NYPD's recruitment and retention efforts struggle in the past due to an uncompetitive salary structure. We also know that the City's residents are not best served when police officers are forced to take second jobs to make ends meet. If the pay gap continues to widen, there is no doubt that those struggles will become even more pronounced.

In addition to recruiting and retaining enough qualified police officers, the NYPD must adequately prepare them to face the latest public safety challenges. One critical deficiency is our current lack of the training and equipment necessary to counter today's most common terrorist tactic: the active-shooter style attacks on so-called "soft targets," which we have recently witnessed in Paris, San Bernardino and elsewhere.

Law enforcement best practices and NYPD policy now dictate that the first police officers on the scene must immediately engage an active shooter to minimize any further casualties. Invariably, the first units to arrive are police officers on routine patrol, rather than specially trained and equipped tactical units. According to a report by the Police Executive Research forum, one-third of police officers who attempt to stop an active shooter alone are shot by the attacker.

New York City police officers on patrol are currently equipped with only a 9mm handgun and a basic bullet-resistant vest that provides no protection from a high-powered rifle round. This places them at a significantly heightened risk of death and serious injury when confronting a heavily armed attacker.

In this respect, the NYPD lags behind many other law enforcement agencies nationwide, which already train and equip their patrol officers with long guns, ballistic helmets and enhanced body armor. The Governor has requested funding for similar equipment and training for all New York State Troopers in his Executive budget.

We believe that the police officers who patrol our nation's top terror target must be similarly trained and equipped. We will therefore seek legislation to provide the NYPD with a mandate to equip every New York City police officer with an Anti-Terrorism Response Kit of the type I have just outlined, and to provide training in advanced counterterrorism tactics.

Unfortunately, no amount of new equipment and training can completely protect police officers from the hazards of the job. When police officers are seriously injured in the line of duty, our city and state have a moral obligation to protect them and their families from any financial hardship they may face because of their sacrifice.

That obligation is not being met for New York City police officers hired after July 1, 2009 under the Tier 3 pension plan. Although they face the same dangers as their more senior colleagues, they are subject to a reduced accident disability benefit that would not allow them to feed and care for their families if they are permanently disabled on the job. **They are the only police officers in the state who face this unjust situation.**

Their reduced disability protection was not the result of a reasoned decision by lawmakers in either Albany or City Hall. Instead, it was an unintended consequence of then-

Governor David Paterson's ill-considered and unilateral veto of the Tier 2 extension bill in 2009. Governor Paterson subsequently acknowledged that the reduced disability benefit should be corrected.

Simply put, it is not in the public's interest for police officers to ask themselves, every time they hit the street, whether they can risk their families' financial future by going into harm's way. We are therefore calling upon the Legislature to establish a statewide minimum standard for accident disability benefits for police officers that will equalize the level of accidental disability benefits for New York City police officers in Tier 3.

The issues I've just outlined represent our members' top concerns heading into this budget cycle, but there may be other issues that have a significant impact on New York City's public safety and, by extension, the state's economic vitality. We look forward to continuing to work with you to address those twin goals as the legislative session moves forward. Thank you once again for your time and for considering my testimony.