



NEW YORK STATE SENATOR

Jeffrey D. Klein

IDC Discovers Spike in Overtime/ Worker's Comp Costs at Office of Children and Family Services

JEFFREY D. KLEIN July 7, 2011

| ISSUE: **AGENCIES**

The Office of Children and Family Services has increased overtime costs and experienced a drastic spike in worker's compensation claims, according to a report released today by the Independent Democratic Conference.

These startling numbers come as the overall number of youths under OCFS supervision has actually decreased from 983 during this beginning of the 2009-2010 fiscal year, to roughly 700 currently.

“These are the symptoms of a broken system,” **Senator Jeffrey D. Klein, (D-Bronx/ Westchester)**, said. “There is no good reason why costs and workplace violence are rising, while the numbers of youths under OCFS supervision are falling. Governor Cuomo has made revamping our juvenile justice system a priority. Based on our findings, this reform cannot come soon enough.”

The IDC report found:

- **Overtime Up; Number of OT Earners Down**

Overtime payments **increased** by \$690,000 from \$10.9 million in 2008 to \$11.6 million in 2009. This is despite the fact that the overall number of overtime earners **fell** from 2,644 to 2,190 during the same time period.

In both fiscal years, the top five individual overtime earners remained the same – with OT accounting for more than half of their overall salary.

Earnings in CY 2008 and 2009 for top OT earners

EMPLOYEE	Title	Average Salary	Two Year OT Earnings	Two Year Total Earnings	Per earn
Employee 1	YOUTH DIV AIDE 4	\$52,582.00	\$169,557.82	\$288,655.54	
Employee 2	YOUTH DIV AIDE 4	\$51,951.00	\$165,128.83	\$282,595.66	
Employee 3	CHILD PROTCTV SVS S 2	\$61,771.00	\$147,807.25	\$278,241.90	
Employee 4	YOUTH DIV AIDE 4	\$51,469.50	\$147,574.86	\$262,797.74	
Employee 5	YOUTH DIV AIDE 4	\$52,148.00	\$129,501.22	\$246,460.44	
	Average	\$53,984.30	\$151,914.00	\$271,750.26	
	Totals	\$539,843.00	\$759,569.98	\$1,358,751.28	

Pensions are generally calculated based on an average of the last three years of service, including overtime earnings. If any of the five employees noted above are close to retirement, they could receive pensions based on a three year average of earnings well over \$110,000 as opposed to average earnings of under \$70,000.

“The payment of overtime to a small number of workers is concerning, and deserves further investigation. While overtime may be needed to ensure the health and safety of juveniles in the system and workers, this lopsided distribution suggests a serious problem,” **Senator David J. Valesky, (D-Oneida), said.**

- **Worker's Compensation Costs Increased 105 %**

Worker's compensation incidents at OCFS increased 30 percent during the last three years, from just under 600 in Fiscal Year 2007-08 to nearly 800 in FY 2009-10.

Costs for worker's compensation at OCFS **jumped 105 percent** during this same time period – **from \$1.5 million to \$3.2 million.**

In FY 2009-10 alone, 20,750 workdays were lost, a **startling 87 percent jump** from the 2007-08 fiscal year.

These injuries not only increase worker's compensation costs, but also increase the demand for overtime.

“This vicious cycle doesn't serve the workers who are placed in harm's way, the juveniles placed under state's supervision, nor the taxpayers who paying for an inefficient and increasingly costly system,” Senator Diane Savino, (D-Staten Island/ Brooklyn), said.

The Independent Democratic Conference recommends that:

– OCFS mend the broken relationship between staff and its leadership

Throughout the process of completing this report, it has been made clear that a disconnect exists between the leadership of OCFS and its staff. At the direction of the U.S. Department of Justice and the Paterson-era Task Force on Transforming Juvenile Justice, OCFS is changing from a corrections-based system to a model based on community based rehabilitation model. However, employees have complained that they have been left out of the decision-making process. The increase in violence and its related costs lead the IDC to recommend that the OCFS staff be brought more into this process.

-- The Division of Budget be given final approval over all overtime expenditures

As the IDC has previously recommended, making overtime subject to the approval of the Division of the Budget would force agency heads to justify and reassess their reliance on overtime.

– OCFS introduces clear, new guidelines regarding discipline at its facilities.

Spikes in worker's compensation claims came after OCFS issued directives that made it much more difficult for staff to discipline youths in the system. This was a well-intentioned response to several tragic incidents at OCFS facilities. However, the OCFS administrators never implemented a replacement mechanism to tackle underlying issues driving disobedience. OCFS needs to put in place clear guidelines regarding what staff can do to protect youths and themselves when individuals begin to cause problems.

– Re-invest savings from potential facility closures back into rehabilitation model

Eliminating wasteful spending at OCFS is critical. However, there is no denying that appropriate funding is critical to ensure a safe and effective juvenile justice system.

The IDC recommends that money saved from the closure of underutilized facilities be efficiently reinvested to support the community-based rehabilitative model.

“A common sense approach is necessary to address the sweeping changes that must be made to our juvenile justice system,” **Senator David Carlucci, (D-Rockland)**, said. “The safety of employees and residents is top priority. Guidelines regarding discipline should be clear to ensure a safer environment. Staff must have the resources needed to properly supervise residents, while ensuring that these young people are receiving any therapy or mental health treatment they need without incurring excessive overtime expenses. OCFS should re-invest money saved from closing defunct facilities for the acquisition of new staff with the skills and training to make a community based rehabilitative model work.”