



NEW YORK STATE SENATOR

David Carlucci

Senator Carlucci Urges New Approach to Help Our Children

DAVID CARLUCCI January 24, 2011



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(Albany, NY) Senator David Carlucci (D-Rockland) released a report, compiled by the Independent Democratic Conference (IDC), which has found that the Office of Children and Family Services (OCFS) has increased overtime costs and a drastic spike in worker's compensation claims, despite the number of children under OCFS supervision having

decreased.

“The Office of Children and Family Services has made a concerted effort to divert as many individuals as possible from the several juvenile centers operated by OCFS into more community based programs,” Senator Carlucci said. “While this is a noble effort, more must be done to ensure an effective transition, including providing proper guidelines regarding discipline procedures to protect the safety of our children and the employees.”

- **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.

- **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 Yea Earni
Employee 1	YOUTH DIV AIDE 4	\$52,582.00	\$169,557.82	\$2
Employee 2	YOUTH DIV AIDE 4	\$51,951.00	\$165,128.83	\$2
Employee 3	CHILD PROTCTV SVS S 2	\$61,771.00	\$147,807.25	\$2

Employee 4	YOUTH DIV AIDE 4	\$51,469.50	\$147,574.86	\$2
Employee 5	YOUTH DIV AIDE 4	\$52,148.00	\$129,501.22	\$2
	Average	\$53,084.30	\$151,014.00	\$2'
	Totals	\$539,843.00	\$759,569.98	\$1,34

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.

“Increasing effective communication between top level administrators and staff on the ground, providing the proper training and procedures to staff and setting clear expectations to the children will cut down the number of workers comp claims and the need for excessive overtime, saving taxpayer dollars,” Senator Carlucci said. “The bottom line is, our most vulnerable children need to receive the best care possible to prepare them for productive adult lives. At the same time we must make every effort to use our taxpayer dollars wisely and effectively.”

The report recommends the following:

- **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.**

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

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