



Good Afternoon,

In the interest of time, I will keep my presentation brief and submit my full written remarks for the record. My name is Manuel Vilar and I am the President of the Police Benevolent Association of New York State a new labor union representing the interests of the Agency Police Services (APS) bargaining unit. On behalf of the PBA of NYS and its 1,100 plus uniformed police officers I want to thank you for allowing me the opportunity to testify this afternoon. As 28 year Sergeant in the New York State Park Police who lives and works on Long Island, I am proud to sit here today and speak on behalf of the dedicated uniformed police officers working in the State University Police, the State Environmental Conservation Police, the State Park Police, and the State Forest Rangers.

These brave men and women put on their uniforms 365 days a year to protect students on our vast network of SUNY Campuses; and millions of citizens and visitors from every peril ranging from natural disasters to dangerous felons, in every corner of the state.



I am here today to not only discuss the potential impact of the Governor's proposed budget on our members but the potential ramifications several proposals would have on our officers' ability to continue the exemplary level of service provided to the citizens of your constituencies across the State. But first, I would like to illustrate some of the dangerous and needed services our members performed in the aftermath of Hurricane Irene and Tropical Storm Lee to give you a better sense on what types of services are threatened by the Governor's proposals.

When these back-to-back storms and their related flooding devastated many areas of New York State, SUNY Police Officers, Environmental Conservation Police Officers, State Park Police Officers, and State Forest Rangers were called upon to perform many aspects of the State's response and rescue efforts.

For instance, starting on August 27th Encon Officers and Forest Rangers helped coordinate and staff the State Office of Emergency Management's Command Center in Albany as well as the DEC



Emergency Response Coordination Center. Encon Officers and Rangers were further tapped for their expertise in emergency management to assist in establishing Incident Command Posts in Schoharie, Essex, Tioga, and Broome, Nassau and Suffolk counties. To perform these duties many of our officers were deployed to regions to respond to the needs of the State, working 12 plus hour shifts to conduct law enforcement and rescue functions, including but not limited to anti-looting police patrols of evacuate areas, reporting on flood wall integrity and assisting the local population in evacuations and movement through the areas.

Here are some specific instances of our members' diligent and, in many cases, heroic actions during and after these storms.

1. On September 7th and 8th, 2011, Binghamton University offered its Event Center to more than 1,800 flood evacuees. The Officers, Investigators and Lieutenants of the New York State University Police were immediately put on 12 hour shifts to protect citizens pouring into the Event Center. These officers



came to work while many of their own homes were being flooded. Many of these evacuees were small children who were forced to leave their homes frightened and with nothing. Officer Lisa Putrino saw a need and she reached out to the Target department store, located in the Southern Tier community of Vestal, and asked for items for children. Target fulfilled the request sending toys, games and coloring books that gave relief to these displaced children. Officer Orlando Torres, also seeing the need, worked with Binghamton University staff to set up a childrens' play area complete with age appropriate entertainment and programming.

2. In addition, even though officer Brenden McDevitt's own home was flooded, he went to work and while performing his duties on an overnight shift was assisted by officer Lucas Walter in rendering emergency aid to an elderly evacuee having a heart attack until Emergency Medical Staff arrived.



3. On August 28, 2011 EnCon Officer Anthony Glorioso responded to assist a resident in the Greene County who was stranded in a house trailer surrounded by rushing muddy water. The house trailer was beginning to take on water when ECO Glorioso launched a 16 foot aluminum boat into the rushing water for the rescue attempt. ECO Glorioso piloted the boat and was joined by State Troopers Michael O'Connell and Jonathan Quinn. They safely and maneuvered the boat across 50 yards across 50 yards of rushing water, loaded and secured the resident into the boat and all returned to safety.
4. The State Office of Emergency Management requested The New York State Park Police Swift-water Rescue Team from Niagara Falls to respond to both Hurricane Irene and Tropical Storm Lee.

In both activations, they provided critical rescue capability to serve the local residents who were in danger, and rescued persons who were trapped by swift and rising floodwaters. In



one of the many rescues Lieutenants Pat Moriarty and Clyde Doty; Sergeants John Marcyan and Brian Russell; Park Officers Chris Gerilach and Scott Durham rescued a family that was trapped inside their mobile home, and unable to escape due to the tremendous water pressure building on the residence. The Park Police Swift Water Rescue Team maneuvered the specialty equipped vessel alongside the quickly submerging mobile home, as live arcing power lines hung overhead, and were able to push in an air conditioning unit and pulled the family out of the mobile home to effectuate a rescue, that easily could have been a tragedy. The training and skills utilized by the Swift Water Rescue team is a result of a long-term commitment by the New York State Police and individual team members to provide essential services.

5. Finally, Forest Rangers Wil Benzel and Howard Thomas hiked all night to help more than 50 visitors from Ohio State University who were stranded in the Five Ponds Wilderness in St

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Lawrence County. The group was scattered over a twenty mile loop around Cranberry Lake and our Rangers escorted each and every one of them out safely. In another part of the Adirondacks, Forest Ranger Lt. Steve Preston used an inflatable kayak to rescue three people who had tipped their canoe and become stranded in the Sacandaga River during the Hurricane.

Our officers' life saving actions were recently recognized by Governor Cuomo in his State of the State address, as well as by Schoharie County, the Town of Vestal, and the State Office of Emergency Management.

I provide these examples today, not only to recognize the heroic efforts of our officers to which there are many more not mentioned, but to provide you with a background of the vital services threatened by certain provisions contained in the proposed Budget. Governor Cuomo has earned the respect and admiration of this union, and he



has shown great leadership however, we have concerns regarding this Budget proposal.

First, we question the need for a new Tier VI pension when we haven't even had time to look at and analyze Tier V, which was arguably done in a hurried fashion. Did you know that Tier VI would force SUNY police officers to work until age 65? Think about that, a 65 year old person wrestling with an intoxicated 19 year old college student. SUNY Officers in Tier V presently have to work until age 62. We understand pension system costs, but to jump into a Tier VI before we have taken the time to analyze the effects of Tier V would be a terrible mistake and injustice.

Moreover, we have significant concerns with the Governor's movement toward a 401(k) type defined contribution plan for uniformed government employees. The current proposal provides no detail with regard to the current performance of duty and accidental disability benefits our officers are eligible for when they are injured in



the line of duty. Often such benefits provide the only source of income for our gravely injured officers and their families. Under the Governor's Tier VI defined contribution proposal it is unclear whether such benefits would be available. In fact, on its face, the defined contribution plan provides only a nominal benefit in the event of death. This issue is of great concern to us as most of our officers join the pension system at a young age and when presented with the opportunity to choose an option which does not require contributions, but is also irrevocable, we are concerned that they will not fully understand the ramifications of such an important decision.

Second, a continuing issue of growing concern unaddressed in the Governor's proposed budget is the eroding law enforcement staffing in our agencies. While the Governor has called for the reactivation of the New York State Police Academy, the last State Park Police academy class was in 2007 and the last Environmental Conservation and Forest Ranger Academy class was 2008. The lack of hiring is



further compounded by recruitment and retention problems causing critically low staffing levels. In fact, we have numerous vacant police positions in the different police titles in our unit resulting in an inability to adequately respond to incidents such as the illegal discharge of toxic waste, a lost child in the woods, the aforementioned storms, or even a large scale criminal incident at one of our parks or SUNY campuses. As of right now, the University Police titles have 125 vacancies (19%) the Encon Officer titles have 41 vacancies (13%), Forest Ranger titles have 20 vacancies (15%), Park Police titles have 138 vacancies for an incredible (47%) staffing short fall. Based on current data, these vacancies will rise considerably as there are a considerable number of retirements anticipated in the coming year. As such, the PBANYS requests that additional funding be allocated along with that earmarked for the reactivation of the State Police Academy so that the State Park Police can hire 60 Police Recruits immediately to have sufficient State Park Police Officers in the field for the summer season of 2012. Additionally the PBANYS requests

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that funding be allocated for the hiring this fall of State University Police, Environmental Conservation Officers, State Park Police Officers and State Forest Rangers.

In closing, the number one duty of government is to protect its citizenry. This Legislature has understood that and has continuously been a strong supporter of our uniformed agencies across the state, and in these times of attacks on our pension system and dangerously low manpower, we ask that the Legislature once again help us protect the public that we are sworn to serve. I only hope that next year I do not find myself before you speaking of the deadly incident that could have been prevented. Thank you for the opportunity to speak and I am more than happy to take any questions you may have.

Manuel M. Vilar
President
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