



NEW YORK STATE SUPREME COURT OFFICERS ASSOCIATION

80 Broad Street • New York, N.Y. 10004

I.L.A. - A.F.L. - C.I.O.



TESTIMONY BEFORE THE NEW YORK STATE
JOINT LEGISLATIVE BUDGET COMMITTEE
PATRICK CULLEN, PRESIDENT
NEW YORK STATE SUPREME
COURT OFFICERS ASSOCIATION
FEBRUARY 4, 2016

Good Afternoon Chairwoman Young, Chairman Farrell and members of the Legislature. I am once again thankful for the privilege to address you all. It is an honor to appear on behalf of the men and women I represent. They are New Yorkers who put service first and bravely protect their fellow citizens. We are also New Yorkers who have consistently continued to do our best as the engine of the Judicial Branch under adverse financial circumstances and extraordinarily lean personnel conditions. So, today I thank you as we can with one voice express our concerns about how the Unified Court System budget affects both the professional and personal aspects of our lives.

As Judge Marks outlines in this year's budget, the last five Judiciary budgets have left the court system "unable to fill the positions left void by attrition". Perhaps the most glaring problem of that sentiment is the inability, through oversight, to maintain the standards of safety and security that this system has proudly enjoyed for years. The depth of our losses can not be simply stated in a sentence or two. Our Court Officers are quite candidly spread too thin, there are just not enough of us to get the job done in the tremendous fashion we have become known for. We are working with 13.3% security staffing less than in 2009 while absorbing more work, done by more judges in shorter periods of time. It is unacceptable to put at risk the safety and well being of all court employees, court users and jurors. Court parts formerly staffed by 4 or 5 officers are now staffed by 2 or 3. Supervisors normally in charge of one part now are charged with managing 3 or 4. All of this occurs while we see an annual increase in the amount of cases handled. The need for full staffing in our facilities prevents our officers from being sent for yearly training for equipment and CPR. Many officers cannot spend their accrued vacation time with their families because managers cannot afford to grant them the time. The system is not recovering and our employees are suffering. In fact, the system itself is staying above water on the already overburdened backs of its employees. In a preventative health initiative introduced by our union, we found our membership to be 19% higher than the

national average for hypertension. The dearth of staffing and the Administration's failure to restore our losses will have a profound and long lasting effect on these men and women not only at work but as husbands and wives and mothers and fathers. Furthermore, these austerity budgets have actualized deficiencies in our courthouses. Early closures and the cessation of overtime have left our buildings empty at a much earlier hour than in the past. We have found homeless people living in the bowels of our courthouses and discover people in unauthorized areas on a very regular basis. These are avoidable security breaches that in the past, at full staffing, would be unheard of, a time when the emphasis was on people and not the bottom line. These landmarks of justice are targets and we will see catastrophic events take place if we do not restore staffing and overtime to its proper levels. Levels which protect New York.

Our bargaining unit will be without a contract for five years come March 31. Our members want a fair contract; they deserve one. What they cannot afford to do is accept a contract that sets them back and gives back provisions they have earned. Many non security personnel have done that and we are expected to follow suit. We cannot support or accept working under a restructured pay scale which negatively alters these employees' earnings. Additionally, this budget calls for funds in excess of \$100 million dollars to be spent on steering business into the Judicial system. A budgetary item to ensure court engagement is improper when the very same budget begs so many shortcomings. The system must stand on its own two feet again before it can use its own funds to escort people into the system. Our members remain those who keep our system on its feet.

Judge Marks has also been on the record at the Commission on Judicial Compensation as well as in the media espousing the financial woes of the judiciary. What is interesting to note is that much of what he says applies to our members too. He says that the state "has the ability to pay the increase advocated" in reference to a 27, 000 dollar increase in salary for each of the state's judges. My members are certainly not seeking such an exorbitant wage hike, just a fair and equitable wage over the last five years. Judge Marks also states that New York is historically "the most expensive state to live in", well 99% of our members live in this great State. He goes on to say that inflation has gone up 42% since 1999. If so, it has gone up for all of us, including members of this committee and the workers I represent. Finally, Judge Marks advocates the introduction of an automatic cost of living adjustment into the judicial pay package. I, too, support this for our members, because it is the only way to keep up with the ever rising costs associated with working and living in New York. I applaud Judge Marks for bringing to light important financial issues, but, they must apply to everyone within the framework of the system. I understand fully the role of the judiciary, however, if these principles are not addressed to include all under its banner, then the Unified Court System is widening an already existing double standard. The judiciary is the face of fairness and equity, it must practice what it preaches.

I have continued to advocate for new, innovative and useful projects to enhance security at all court facilities. I renew the call for budgeted funds to create a K-9 program for

which studies have already been done. The program was green lighted only to be derailed at the last minute because an administrator did not like dogs. All of New York will like dogs when they prevent an explosive device from being planted or deter the plans of a potential active shooter and the damage these types of events could inflict. The fact is this is a program this system should have implemented twenty years ago. Archaic thinking and an inability to install advanced training procedures have left us in the last century. A real and mandatory active shooter protocol is sorely needed. We must be prepared for its near inevitability based on recent national events, including one in our own Middletown City Court. We need practical and experienced training from the top experts in the field. This is not a program you want to have to install after a mass carnage event. A real endeavor must be made to upgrade our magnetometers, x-ray machines, radios and cameras to the latest technologies used in Federal facilities and by thousands of Police Departments nationwide. These programs and ideas will also help us not only do our jobs the way they should be done, but with an eye toward the future. Law enforcement has become a dynamic field, we must embrace that with personnel, philosophy and financial support.

This is a synopsis of some of the most conspicuous problems facing our workforce in the Court system of New York. These things must be met with certitude that our system needs to be brought up to speed. Our Court Officers cannot be left behind again. We are playing catch-up and it is only a matter of time before calamitous circumstances result. We are a proud and patient group of the state workforce but our patience is eroding and our pride is being destroyed by a continued neglect to the things we need to properly execute the duties we have nobly sworn. I ask this committee to pass this budget as it is constituted and not to make further cuts. It is critical to the system's recovery and frankly to our survival within the workforce. The time has come to make a stand and aid in the restoration of the system and those of us who protect it and all it stands for.

I thank you all again for your time and consideration.