

UNIVERSITY POLICE | ENCON POLICE



PARK POLICE | FOREST RANGERS

# **2019 Joint Legislative Public Protection Hearing Testimony**

**Submitted on behalf of the Police Benevolent  
Association of New York State**

**By: Scott Marciszewski, PBA President  
&  
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## Introduction

Good afternoon respected members of the joint committee. My name is Scott Marciszewski, and I am the Director of the University Police Officers and the current President of the Police Benevolent Association of New York State (“PBA of NYS”).

The PBA of NYS was established in 2011, and is the law enforcement labor union representing the interests of approximately 1,200 members of the New York State Agency Police Services Unit (“APSU”). The PBA of New York State is the exclusive bargaining agent for the New York State University Police, the Environmental Conservation Police (“EnCon”), the State Park Police, and the Forest Rangers. Our members patrol and protect New York State’s public universities and colleges, state parks and historic sites, enforce state laws and protect our lands, forests and wilderness areas to ensure environmental safety and quality.

The four (4) units of the PBA of NYS comprise the second, third, fourth and fifth largest units of police officers employed by the State of New York. These officers live and work in your districts. We are keeping you and New York State’s natural resources safe. We have the specialized skill set necessary to respond to a crisis anywhere in the State of New York.

The testimony today will specifically address the budget priorities of the PBA of New York State. In addition, my testimony will touch upon specific issues related to the University Police Officers. The budget priorities of the PBA of NYS are reasonable requests that are designed to provide our units with parity and properly address staffing that we can continue to keep the public safe and continue to fulfill our basic job responsibilities. The PBA of New York State is well aware of the budget deficit facing New York State of approximately \$4.5 billion dollars, and of the uncertainty from the federal Tax Cuts and Jobs Act of 2017.

However, it is our respectful position, that the PBA of NYS budget requests, such as three-quarter disability legislation, increased Forest Ranger staffing, and University Police “heart presumption”, 20 year retirement, and expanded Geographic Area of Employment legislation have small fiscal impacts yet provide strong protection and benefits that all New Yorkers can enjoy.

### **Three-Quarter Disability Legislation**

In the 2018 legislative session, the PBA of NYS was able to pass 3 pieces of key legislation. Sadly, the Governor vetoed all three bills. See S9954C (2018), S4634A (2018), S8292 (2018). In 2019, the PBA of NYS will continue advocate to the executive and legislature for the enactment of

three-quarter disability legislation. Three-quarter disability is a benefit that is enjoyed by almost every other branch of law enforcement. Parity is desperately needed for the PBA of NYS membership. The job responsibilities are equally dangerous and present identical risk of injuries due to the wide range of incidents they respond too. These risks and dangers are completely out of our members' control that is no different from other branches of law enforcement.

Currently, three-quarter disability legislation is not codified for University Police Officers or New York State Forest Rangers. Environmental Conservation Officers and Park Police Officers are simply not entitled to three-quarter disability benefits whatsoever. This must be changed. The legislature should immediately include three-quarter disability benefits in the one house budget proposals and ensure it is included in the final budget due April 1, 2018.

Veto Message No.311 of 2018 specifically stated:

the Legislature should ... study this and other similar requests for benefit enhancements for certain classes of employees (e.g., accidental disability, disability presumptions; early age retirement, etc.) should first be completed by the impacted retirement systems to ensure a complete review of potentially impacted employees and taxpayer costs would be available to decision-makers and taxpayers once such information is available a comprehensive and fair solution could be enacted.

In this regard, the PBA of NYS calls upon both the Senate and Assembly to hold a public hearing that examines benefit enhancements for our members. We are confident that the legislature will quickly recognize that our members are simply seeking parity with law enforcement members and not asking for any special treatment. There is no better justification than the recent shooting tragedy of New York State Environmental Conservation Officer James Davey who sustained a gunshot while investigating a call for "shots fired" in rural Columbia County, which was ultimately two men attempting to poach deer in a field at night. These types of terrible incidents demonstrate the risks that Environmental Conservation Officers, Forest Rangers, Regional Park Police and State University Police encounter on a day-to-day basis in performance of their job duties. They should receive the same accidental disability benefits as other law enforcement members.

The PBA of NYS respectfully requests that both houses include three-quarter disability legislation in their one house budget proposals. The fiscal impact of the legislation there would be a immediate past service cost of \$2.3 million and an annual cost to New York State of \$350,000. The fiscal note's estimated costs are based on 570 members having an annual salary for the fiscal year ending March 31, 2017 of approximately \$60 million.

Granting all members of the PBA of NYS three-quarter disability benefits will also help lower the attrition rates because we will have parity with other branches of law enforcement. For these reasons, Three-Quarter Disability legislation for the PBA of New York State should be included as part of the final 2018-2019 State Budget due April 1, 2018.

### **Heart Presumption**

An equally important budget priority for the PBA of NYS is “heart presumption” coverage legislation for the University Police Officers. This will create a presumption that any condition of impairment of health caused by diseases of the heart, resulting in disability or death to police officers and certain other first responders shall be presumptive evidence that it was incurred in the performance and discharge of duty. Almost all New York State Police Officers are afforded the protections of the “heart bill” provisions in the retirement and social security law. The fiscal note of this legislation states that the fiscal impact of this legislation is “negligible”. Given the fiscal impact, it was frustrating to see the Governor veto the heart presumption legislation and cite the alleged “cost” to NYS. See veto message 352.

Under current law, University Police Officers are excluded in the categories of police officers that are protected by this statute. University Police Officers work in dangerous, physically demanding, and stressful jobs.

This inequity is unfair and disrespectful to the police officers who put their lives on the line protecting our institutions, faculty, staff, students and the public. This bill will provide University Police Officers with the same benefit as it pertains to a heart presumption as is provided other state police officers.

In 2018, both the Senate and Assembly passed University Police Officer Heart Presumption legislation. In 2019, we ask the legislature to include this legislation in the one house budget proposals and enact it in the final Budget due April 1, 2018.

### **GAE Legislation**

The State University Police are the only Agency Police Services Unit that does not have the power to enforce infractions and violations statewide. This anomaly creates a situation that significantly undermines the officers' credibility, legitimacy and ability to perform their duties properly within the existing geographic area of employment.

Due to this unfortunate situation, the State University Police are requesting legislation to correct this wrong. Expanding GAE is a sensible measure to legitimize and augment UPO's ability to lend supplemental support to neighboring law enforcement agencies. The legislation does not have a fiscal impact. SUNY is supportive of the legislation.

This is sound public policy because expanding UPO's GAE would also enable us to provide immediate police action and protect life and property in rare occasions where assistance is requested by citizens of surrounding areas. It should also be remembers that many of the New York universities and colleges are experiencing large increases in enrollment due to the Governor's initiatives such as free college tuition. . The need for additional space to accommodate this growth has resulted in the acquisition of satellite properties not geographically connected to campus centers. Under current law, while traveling between these properties, NYS University Police Officers are statutorily limited and must ignore all violations and infractions occurring in their presence.

### **Conclusion**

In closing, the PBA of NYS encourages that the Legislature to provide University Police, Park Police, Forest Rangers and Environmental Conservation Officers with the proper tools and give us with parity with other law enforcement. This will assure the PBA of NYS can continue to keep the public safe and maximize the public's ability to take advantage of New York State's natural beauty. We ask that you include Three-Quarter Disability benefits, increased Forest Ranger Staffing, and University Police Officer with



heart presumption in this state budget process. Thank you for giving the opportunity to testify before you today.