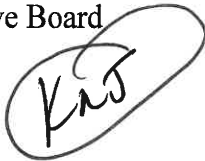


MEMORANDUM

TO: NYSCOPBA Executive Board

FROM: Lippes Mathias LLP 

DATE: February 2, 2023

SUBJECT: Executive Budget Proposal 2023-2024

On Wednesday, February 1, 2023, Governor Hochul delivered her proposed Executive Budget for State Fiscal Year (“SFY”) 2023-24. The Executive Budget calls for the spending of approximately \$227 billion on an All Funds basis, for the next fiscal year.

As you know, the Governor’s proposed spending plan contains both agency appropriation bills, which contain specific financial allocations for the various State agencies, commissions and departments, and Article VII proposals, which constitute the necessary statutory changes that must be implemented for the Governor’s proposed spending plan to take effect.

On behalf of NYSCOPBA, we have conducted a preliminary review of the entire Executive Budget proposal for SFY 2023-24 and have provided a brief summary below for your review and reference. We will continue to review the Executive Budget proposal in the next few weeks and provide additional details as necessary. We will also thoroughly analyze the Governor’s 30-day amendments when they become available since many of the details associated with the Governor’s spending plan for 2023-24 will be contained within the amendments.

Please remember that this is simply the Governor’s *initial proposal*. Many of the details of the final version of the Executive Budget will differ from the original proposal. Changes will result from not only the Governor’s 30-day amendments, but also from the negotiations between the Legislature and the second floor that will be occurring in the next few months. If you have any questions or comments about any information contained within this memorandum, as always, please feel free to contact us.



New York State Financial Plan by Agency

DOCCS:

The Governor is recommending approximately \$3.5 billion for the Department of Corrections and Community Supervision (“DOCCS”) on an All Funds basis, representing an increase in funding of approximately \$8.26 million compared to last year.

With respect to the Department’s workforce, the Governor is proposing an increase of 70 Full-Time Equivalent positions (“FTEs”) compared to last year. However, there is no change in the number of FTEs within the Supervision of Incarcerated Individuals program.

OMH:

The Governor is recommending approximately \$6.4 billion for the Office of Mental Health (“OMH”) on an All Funds basis, representing an increase of \$1.2 billion for the agency compared to last year.

With respect to OMH’s workforce, the Governor projects no change in the number of FTEs compared to last year.

OPWDD:

The Governor is recommending approximately \$7.4 billion for the Office for People with Developmental Disabilities (“OPWDD”) on an All Funds basis. This represents an increase of approximately \$188 million compared to last year.

With respect to the workforce within the agency, the number of projected FTEs does not change in comparison to last year.

Article VII Proposals

As you know, in addition to proposing the funding levels for State agency spending in the form of appropriation bills as part of her Executive Budget proposal, the Governor also proposes various statutory changes that are necessary to implement her spending plan for the fiscal year. These proposed changes to statutes are found in the various Article VII budget bills, commonly referred to as “language bills,” that are introduced during each budget cycle. For your review and reference, provided below are the pertinent highlights of these Article VII proposals.



Prison Closures: Governor Hochul has not proposed the closure of any correctional facility for SFY 2023-24, despite a significant number of empty beds. Clearly, the concerns we raised about the potential impact of additional closures on your membership were given due deference. We will thoroughly review the Governor's 30-day amendments once delivered to the Legislature to determine if they include any closure language.

Body Scanner Technology: The Governor is proposing legislation to authorize the use of body scanning technology within DOCCS. Under current law, only local correctional facilities use body imaging scanning equipment to screen for contraband and they can only screen incarcerated individuals. This proposal would not only expand the current law to State correctional facilities, but will also allow for the use of this technology with respect to visitors in certain situations. On behalf of NYSCOPBA, we aggressively advocated for the inclusion of this legislation within the Governor's Executive Budget proposal.

Hiring Age for Correction Officers: The Governor is proposing legislation to lower the minimum hiring age of Correction Officers from 21 years of age to 19 years of age as part of her Executive Budget proposal.

Continuous Recruitment: The Governor is proposing legislation that would authorize the Department of Civil Service to expand the titles which would be eligible for continuous recruitment. The proposal does not delineate which titles would be eligible. As such, we will endeavor to determine if NYSCOPBA titles are contemplated in this initiative.

Paid Parental Leave: Although not specifically included within any of the various budget bills, the Governor announced in her Executive Budget address her plans to implement a first-in-the-nation "paid parental leave program" for all State employees. For unionized State employees, the benefit would need to be negotiated, just like paid family leave. The benefit itself would amount to 12 weeks of leave at full pay for bonding after the birth or adoption of a child, as compared to paid family leave, which is 67% of your average weekly wage, up to a cap of 67% of the current statewide average weekly wage set by the New York State Department of Labor. It should be noted that paid parental leave is an additional benefit to paid family leave so that parents could use one benefit and then the other. The State is planning to release additional information in the coming weeks regarding this proposed benefit and eligibility, which we will review and summarize once it is available.

Inpatient Psychiatric Beds: As part of her Executive Budget proposal, the Governor is proposing funding for the opening of 1000 inpatient psychiatric beds, which is part of a multi-year plan to increase operational capacity at mental health facilities. Since limited information is provided with respect to this initiative, we will endeavor to learn more about this proposal in the coming weeks.



Human Services Cost-of-Living Adjustment: As part of her Executive Budget proposal, the Governor has once again introduced legislation directing the Commissioners of OMH, OPWDD, and several other agencies to establish a cost-of-living adjustment (“COLA”) for SFY 2023-24. The COLA will be 2.5% and will provide additional funding to various programs supported by these agencies. While a portion of this funding will be used to retain and attract new staff, it will not result in an increase in pay for any employees. This proposal bill is based on a similar proposal from last year.

We will continue to review the proposed Executive Budget documents in the coming weeks and will provide further clarification regarding the proposals referenced herein that require further explanation from the Governor’s office and/or the Division of Budget. We will also monitor the ongoing budget negotiations between the Legislature and the Governor and will apprise the Executive Board of any significant developments. Should you have questions in the meantime, please feel free to contact us.