



New York State Correctional Officers & Police Benevolent Association, Inc.

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July 27, 2017

Hon. Alphonso David
Counsel to the Governor
Executive Chamber
New York State Capitol Building
Albany, NY 12224

Re: NYSCOPBA Priority Legislation (S.4077-A/A.5133-A)

Dear Mr. David:

As President of NYSCOPBA, I write on behalf of the approximately 20,000 active State correctional officers and sergeants that I represent, many of whom are currently retirement eligible, and respectfully request that the Governor sign into law the above referenced bill.

The above bill, which has been a priority piece of legislation for NYSCOPBA for several years, seeks to protect the financial well-being of beneficiaries of deceased uniformed personnel within DOCCS who were retirement eligible at the time of death by providing a pension reserve to such beneficiaries, in lieu of the traditional death benefit (a lump sum payment of three times salary). In fact, shortly after becoming President of the organization less than three (3) years ago, with the assistance of our lobbyists and counsel, we had preliminary discussions with the second floor about the necessity for such legislative enactment. As we explained then – and the situation is even more critical now – several thousand members of NYSCOPBA were approaching retirement eligibility. Currently, there are approximately 3,000 members of our organization who could walk out the door today and begin retirement with a fully vested benefit. This does not include potentially hundreds more who could become eligible for retirement by virtue of New York's Military Buy-Back Law.

While I certainly don't discourage my members from entering retirement if retirement is the best option for them based on their own individual circumstances, I do recognize the void that would be created within New York's prison system if several thousand of my most seasoned, experienced officers and sergeants opt for retirement. Such a void is a source of great concern for me when it comes to the safety of my members, the safety of those working inside our prison walls and the safety of the overall inmate population.

I have had conversations with many of my members from various regions of the State and the message I hear is consistent:

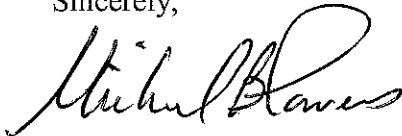
“I can’t risk the financial well-being of my family by remaining in service.”

My members who are retirement eligible are doing just that – they are “rolling the dice” with their family’s best interests. To remain in service and die prior to retirement results in a lump sum death benefit which, in most cases, is inferior to the pension the member would have received had he or she opted for retirement.

As President of an organization that represents more than 28,000 active and retired law enforcement officers, I do recognize that fiscal considerations must be weighed when contemplating a piece of legislation such as this. This bill has been drafted to limit the financial burden to the State by providing for a five (5) year sunset within its provisions. Moreover, the benefit is only payable to those members who were eligible for a service retirement benefit at the time of death. Considering that the state can ill afford to lose thousands of its most seasoned correctional employees at a time when so many new officers are being brought into the system, enactment of this legislation will ensure stability within the DOCCS agency. Moreover, the State will be taking the laudable step of recognizing the need to protect the beneficiaries of those NYSCOPBA members who choose to continue dedicated service to the people of this State at a time when they could have retired.

For these reasons, I am respectfully urging that Governor Cuomo sign this critical proposal into law.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael B. Powers". The signature is fluid and cursive, with a large initial "M" and "B".

Michael B. Powers
NYSCOPBA President