

2023

THIS YEAR IN ALBANY



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Local 1000 AFSCME, AFL-CIO

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THIS YEAR IN ALBANY 2023

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A MESSAGE FROM CSEA PRESIDENT **MARY E. SULLIVAN**

Sisters and brothers,

This was a strong year for CSEA and unions across New York State.

We elected a Governor who understands the needs of the public sector workforce and together, we got a budget done that protects our jobs and allows the state to begin re-building agencies that have been decimated over the past decade.

We successfully passed several bills that improve the lives of members including waiving state civil service fees for prospective public employees and fought to ensure that union voices were heard loud and clear in the halls of power.

None of this could have been accomplished without your activism and support. We will continue to face challenges but I know that by working together, we can always win. Keep fighting!

In solidarity,



Mary E. Sullivan
President



FY 2024 NEW YORK STATE BUDGET

SETTING THE STAGE

This year's budget and legislative session kicked off against a backdrop of changing power dynamics in New York State.



Kathy Hochul was elected to her first full term as Governor in November 2022, despite a closer-than-expected election and Democratic losses down-ballot. Hochul sought to cement her position as the leader of her party, but was rebuffed by Democratic supermajorities in both houses of the legislature, who were eager to regain power after years of iron-fisted rule under former Governor Andrew Cuomo.

This was most evident in the State Senate's rejection of Governor Hochul's nominee for Chief Judge of the Court of Appeals. Judge Hector LaSalle became the first Court of Appeals nominee in our state's history to be rejected – a political black-eye for Hochul in the early days of her first full term. This historic rebuke showcased the growing political divergence within the Democratic party, with the left-wing of the party bucking the moderacy of Hochul and demanding a more progressive nominee. This divergence would show up in nearly every budget and policy debate, leading to dissension and infighting throughout the budget process and legislative session.

While trying to navigate these new dynamics, Hochul attempted to advance a number of priorities, including controversial proposals to increase the state's housing stock, change bail laws, and allocate billions in additional funding for mental health, healthcare, and education. While the Governor was successful in fulfilling her promise to reform the state's bail laws, the legislature flexed their new-found power and blocked, reduced, or pushed the Governor to take a more progressive approach on several of her other priorities.

The resulting budget and legislative session revealed the new balance of power in New York State.

FY 2024 NEW YORK STATE BUDGET

SUMMARY OF PROVISIONS

The final state budget was over a month late, making it the latest budget since 2010. Key decision makers were at odds over major issues of housing, bail reform, and healthcare funding.

However, CSEA was diligent in its advocacy and successfully ensured that the final budget had no layoffs, facility closures, inpatient bed reductions, or service reductions.

We were also able to achieve several major victories, thanks in large part to the engagement and activism of CSEA members. Here are some of the highlights:

Civil Service Reforms

Recruitment and retention of public employees was the primary focus of our advocacy efforts. This starts with the civil service system, which is in need of reforms to ensure that testing is accessible and careers in public service are attainable for a greater number of New Yorkers.

The enacted budget:

- Authorizes the Department of Civil Service (DCS) to offer continuous recruitment exams for open-competitive positions, which allows exams to be offered more frequently and keeps hiring lists up to date.
- Waives fees for all state civil service exams from July 1, 2023 through December 31, 2025. The law also allows municipalities to opt-in to this program.
- Authorizes DCS to examine the state's pay structure to ensure compensation is competitive with the private sector.
- Increases the number of positions available to workers with a physical or mental disability from 1200 to 1700 (55-B).

Civil Service Reforms (Continued)

The enacted budget:

- Creates *Centers for Careers in Government* to connect New Yorkers to public sector employment.
- Funds a *Public Service Matters* marketing campaign to promote job opportunities in the public sector.
- Rejects the Governor's proposal to authorize workers in a 55-B and 55-C position to transfer into the competitive class without examination. CSEA **opposed** this proposal.

Minimum Wage

A hot topic in this year's budget negotiations was how much to increase the state's minimum wage. Currently, the minimum wage is \$15 for NYC, Long Island, and Westchester, and \$14.20 in the rest of the state. The enacted budget raises the standard minimum wage as follows:

Date	NYC, Suffolk, Nassau, Westchester	Rest of State
January 1, 2024	\$16.00	\$15.00
January 1, 2025	\$16.50	\$15.50
January 1, 2026	\$17.00	\$16.00
January 1, 2027, and thereafter	Indexed to CPI	Indexed to CPI

Beginning on January 1, 2027, the minimum wage will increase by the three-year average change in the Consumer Price Index (CPI). If the CPI is negative, or if the state sees an increase in the unemployment rate of 0.5% or higher, there will be no increase. There cannot be more than two consecutive years without an increase in the minimum wage. The Commissioner of Labor must publish the adjusted minimum wages annually, no later than October 1, for wages taking effect on January 1.

State Agencies

The enacted budget:

- Provides significant investments in mental health, including funding 150 new inpatient psychiatric beds, which will be operated by OMH.
- Provides \$170 million in new investments to OPWDD, including new funding for day program services, family support services, and residential services for people with developmental disabilities.
- Provides \$103 million in new operating aid to the State University of New York (SUNY).
- Increases Disproportionate Share Funding (DSH) for the three SUNY hospitals by \$72 million.
- Shifts SUNY hospital debt service to the state, saving the three hospitals \$65 million.
- Provides \$500 million in matching funds for endowment contributions at SUNY's University Centers.

Local Governments

The enacted budget:

- Provides \$714.7 million in aid and incentives to municipalities.
- Increases funding to local probation departments by \$5 million for payments to government and not-for-profit programs providing pretrial services, including screening, assessments, and supervision.
- Provides slightly increased funding for local road and bridge projects compared to FY2023 levels:
 - \$539 million in CHIPS funding.
 - \$40 million in Marchiselli funding.
 - \$100 million for Extreme Winter Recovery Funds.
 - \$140 million for capital projects related to highways, bridges, railroad crossings, and other transportation facilities.

Education

The enacted budget provides, for the first time ever, full funding of foundation aid to K-12 schools. The budget also provides \$34.5 billion in school aid, the highest amount ever. This represents a 10% increase over fiscal year 2023.

In addition, the budget authorizes the reissuance of 22 charter school licenses, including 14 in New York City. This agreement was a compromise, as Governor Hochul originally proposed 85 new charter schools across the state. CSEA **opposed** any expansion of charter schools.

Last year, the enacted budget required school districts to transition to zero-emission vehicle (ZEV) school buses beginning on July 1, 2027, with all buses being ZEV by 2035. This year, the enacted budgeted added a provision that requires school districts to provide an annual report on the implementation of the ZEV school buses, starting in the 2024-2025 school year.



Health Care

While state operated hospitals continue to struggle in the aftermath of the COVID-19 pandemic, the enacted budget contains some additional funding, including an increase in the Medicaid reimbursement rate to 7.5% for hospitals and 6.5% for nursing homes.

The budget also includes \$500 million for distressed and safety-net hospitals, like SUNY Downstate. While this is not enough to adequately fund our safety-net hospitals, CSEA will be working with represented hospitals to advocate for funding from this pool.

Childcare

CSEA childcare providers won significant victories in the budget, including:

- A new requirement that counties reimburse childcare providers for 80 absences per year, an increase from 24.
- \$500 million for a Childcare Workforce Retention Grant Program, which includes grants of up to \$2,000 for family-based childcare workers.
- \$104 million in incentives to providers who open childcare programs in underserved areas.

The budget also contains childcare proposals to aid families, including:

- An expansion in eligibility for the Childcare Facilitated Enrollment Program up to 400% of the Federal Poverty Level.
- An increase in the income limit for childcare subsidies to 85% of the state median income.
- An extension of the state's childcare tax credit to families with children under four years of age.
- A cap in the family co-pay for subsidized childcare to 1% of income.



Other Issues

The enacted budget:

- Restores judicial discretion for setting bail by removing the “least restrictive means” standard, which will allow judges to impose any restrictions they deem necessary to ensure a defendant returns to court.
- Rejects the Governor’s proposal to create 800,000 new housing units over the next 10 years.
- Prohibits gas hookups in newly constructed buildings that are seven-stories high or lower beginning December 31, 2025. This prohibition will be in effect for buildings above seven-stories beginning December 31, 2028.

2023 LEGISLATIVE SESSION YEAR AT A GLANCE

The 2023 Legislative Session was full of victories for CSEA members. The Legislative and Political Action Department worked hard to advocate for bills that will help CSEA members, while ensuring that harmful bills did not gain traction.

The State Senate and Assembly introduced more than 15,000 bills this session. Of those, 1,648 passed the Senate, 1,026 passed the Assembly, and 896 passed both houses of the legislature.

Of the 896 bills that passed both houses, 135 of them were CSEA-supported bills, like counting provisional time towards the probationary period for new employees, providing bump and retreat benefits for labor and non-competitive class employees, and requiring an independent hearing officer in disciplinary proceedings.

CSEA also successfully opposed 204 bills that would have hurt members, like repealing the Triborough Amendment, reducing pension benefits in retirement, and outsourcing CSEA members' work to the private sector.

All of this was only possible because of the members who took time to call, email, and speak with their legislators about our priorities. Now that the 2023 legislative session has come to a close, CSEA will be working to get the bills we passed signed into law and preparing for another successful session in 2024.



2023 LEGISLATIVE SESSION

PRIORITY BILLS

Civil Service Exam Announcements

S.5486 (Jackson) / **A.6855** (Pheffer Amato)

CSEA Position: Support

Status: Signed, Chapter 358 of the 2023

This legislation requires the State Civil Service Department (DCS) and municipal civil service commissions to issue announcements of competitive civil service examinations more broadly. Under this bill, DCS and municipal civil service commissions will have to announce competitive civil service examinations to BOCES, high schools, colleges, universities, local social services districts, and job training programs that are located within the same geographic area as the civil service commission. This will expand notice of testing opportunities and increase participation in the public sector workforce. This law went into effect on September 7, 2023.

Counting Provisional Time Towards Probation

S.5494 (Jackson) / **A.7155** (Pheffer Amato)

CSEA Position: Support

Status: Signed, Chapter 356 of the Laws of 2023

This legislation requires that time spent as a provisional employee be counted towards an employee's probationary term upon receiving a permanent appointment in the same title. Previously, an employee may spend months or even years as a provisional employee until a test is offered. During their time as a provisional employee, they have no disciplinary rights and can be terminated at any time. Upon successfully becoming a permanent employee in the same title, they are then required to go through a probationary period, where they again have no disciplinary rights. This bill ensures that employees do not have to go through two lengthy periods without protections. This law went into effect on September 7, 2023.

Independent Hearing Officer**S.1039** (Jackson) / **A.3748-A** (Pheffer Amato)**CSEA Position:** Support**Status:** Passed both houses, awaiting delivery to Governor

This legislation requires the appointment of an independent hearing officer in disciplinary actions brought against a public employee. Under current law, individuals who have attained permanent appointment may be removed from their positions or have other disciplinary actions taken (i.e., suspension without pay, demotion from grade and title) after a hearing held before the officer or body who brought the charges. The employing officer or body therefore becomes both the prosecutor and the judge of the permanent employee's actions. This bill requires disciplinary hearings to be held by independent hearing officers, ensuring that that employees have a fair review.

Public Sector Arbitration Reform**S.6491** (Hoylman-Sigal) / **A.6866** (Lavine)**CSEA Position:** Support**Status:** Passed both houses, awaiting delivery to Governor

This legislation closes a loophole in the public sector arbitration process that allows unsuccessful parties to delay compliance with an award without penalty. During a public sector arbitration, if a state agency or local government does not comply with the award decided upon by the arbitrator within 90 days, CSEA must make a motion to confirm the award, which requires us to file in court, pay the filing fees, and request for judicial intervention. However, the state agency or local government can then simply move to modify or vacate the award at this point, offering them additional time without any penalty. This legislation closes this loophole and ensures that any application to vacate or modify a public sector arbitration award is made within 90 days, ensuring the timely delivery of awards to members.

Bump and Retreat Rights

S.5487 (Jackson) / **A.6856** (Pheffer Amato)

CSEA Position: Support

Status: Passed both houses, awaiting delivery to Governor

This legislation creates a statewide standard for bumping, retreating, and rehiring rights for non-competitive and labor class employees in state and local governments. In the event of the need to reduce positions, state law provides a system of reduction in force that affects permanently appointed employees occupying positions in the competitive class and non-competitive class positions in the State Executive Branch only. There are no statutory provisions that provide this protection to employees in the Labor Class. This bill sets up the current reduction in force and recall procedure for non-competitive and labor class employees who work for the State Executive Branch or a local government employer. This ensures that all employees have equal protection under law.

Continued NYSHIP Coverage for Spouses

S.5495 (Jackson) / **A.6806** (Pheffer Amato)

CSEA Position: Support

Status: Passed both houses, awaiting delivery to Governor

This legislation provides continued NYSHIP coverage to the un-remarried spouse and dependents of a deceased public employee—if that employee was forced to retire early due to an on-the-job injury—regardless of how many years of service they had at retirement. Under current law, if an enrollee dies after having retired due to an on-the-job injury, their dependents and un-remarried spouses can retain NYSHIP coverage if the employee had 10 or more years of service. However, if the enrollee had less than 10 years of service, their family will lose the coverage. This legislation removes this 10-year requirement, ensuring coverage for members' families who had to retire early through no fault of their own.

Workplace Violence Plans for Schools

S.1746 (Ramos) / **A.1120** (Joyner)

CSEA Position: Support

Status: Signed, Chapter 351 of the Laws of 2023

This legislation requires schools to develop Workplace Violence Prevention Programs that protect employees from potentially violent encounters. Currently, public sector employers are required to develop these plans, but schools are exempt because they are required to develop School Safety Plans. However, these plans differ in scope. School safety plans primarily focus on addressing threats to the student body and physical infrastructure, while Workplace Violence Prevention Programs address threats and risks to staff. The legislation removes the exemption from school districts so they have plans in place to protect employees and ensure that they feel safe in their workplace. This law goes into effect on January 4, 2024.



Ambulance Direct Payments

S.1466 (Breslin) / **A.250** (Magnarelli)

CSEA Position: Support

Status: Passed both houses, awaiting delivery to Governor

This legislation requires insurance companies to provide direct payments to providers of ambulance services. Currently, unless an ambulance service is a preferred provider, insurers pay the ambulance service charges to the patient, who is supposed to forward that payment to the ambulance service. This results in some individuals keeping that payment rather than sending it to the ambulance service, costing local governments and CSEA non-profit ambulance providers millions of dollars. This legislation fixes this issue by ensuring that ambulance services get reimbursed directly.

Captive Audience

S.4982 (Ramos) / **A.6604** (Reyes)

CSEA Position: Support

Status: Signed, Chapter 354 of the Laws of 2023

This legislation safeguards workers from any retaliation related to their refusal to attend captive audience meetings. Captive audience meetings involve employers presenting their own political ideologies, religious beliefs, or opinions on personal matters like joining political parties, civic or fraternal organizations, and labor unions. Employees are often required, either explicitly or through threat of retaliation, to participate in these meetings. This bill codifies that required attendance, retaliatory actions, or other disciplinary measures taken against employees who refuse to participate in a captive audience meeting is an infringement of employee rights. This law went into effect on September 6, 2023.

Childcare Rate Differentials

S.4079 (Brisport) / **A.1734** (Clark)

CSEA Position: Support

Status: Died in Senate Finance Committee, Assembly Ways and Means Committee

This legislation requires local social service districts to increase payments to childcare providers by 15% if they care for a child whose family is experiencing homelessness or a child that requires nontraditional hours of care, such as overnight and weekend hours. This incentive will help encourage more providers to offer care to these populations and create a more robust childcare system in New York.



Self-Certification for Building Permits

S.5614-A (Martinez) / **A.4202-A** (Stern)

CSEA Position: **Oppose**

Status: **Died** in Senate Local Government Committee,
Assembly Local Government Committee

This legislation would allow registered architects and engineers to self-certify their own documents for the issuance of a building permit. By removing the review by municipal employees and allowing builders to self-certify that their plans are up to code, a layer of safety is lost and the likelihood of health and safety violations increases.

Removing government oversight would increase the likelihood of construction delays, unforeseen costs, and frustrated and disappointed property owners.



The EMPIRE Act

S.541-A (Hoylman-Sigal) / **A.3748-A** (Pheffer Amato)

CSEA Position: **Oppose**

Status: **Died** in Senate Labor Committee, Assembly
Labor Committee

This legislation would outsource wage theft enforcement actions to private organizations. This work is currently performed by staff at the Department of Labor (DOL). Advocates of outsourcing this work claim that it is necessary because the DOL does not have sufficient staff. We agree that the current staffing levels do not allow them to enforce this law to the maximum extent possible. However, the solution is not the privatization of this function, rather, it is for the state to hire additional staff to enforce these laws.

2023 LEGISLATIVE SESSION

OTHER BILLS

The Senate and Assembly passed a number of other bills that CSEA **did not take positions on**, but have state-wide impacts, including:

Moving the Presidential Primary

S.7550 (Stewart-Cousins) / **A.7690** (Heastie)

Status: **Passed** both houses, awaiting delivery to Governor

This legislation moves New York's 2024 presidential primary to April 2.

Moving Local Elections to Even Years

S.3505 (Skoufis) / **A.4282** (Paulin)

Status: **Passed** both houses, awaiting delivery to Governor

This legislation moves all local elections to even-numbered years to align with state and federal election cycles.



Clean Slate

S.7551 (Myrie) / **A.1029** (Cruz)

Status: **Passed** both houses, awaiting delivery to Governor

This legislation automatically seals an individual's criminal record after three years for a misdemeanor and after eight years for a felony, excluding sex crimes and non-drug-related class A felonies.

2023 ELECTIONS

STATEWIDE BALLOT MEASURES

Every New Yorker will have the opportunity to vote on two statewide ballot measures in the General Election on November 7.

Exclusion of Sewer Debt from Debt Limits

CSEA Position: Support

For 50 years, sewer debts have been excluded from the constitutional debt limits of municipalities. The purpose of this exclusion is to encourage and enable municipalities to issue debt for sewer facilities without limiting their ability to pay for other capital improvements. This ballot measure extends the exemption for an additional ten years until 2034. This would allow for more funding dedicated to the maintenance and improvement of municipal infrastructure, which employs thousands of CSEA members across our state.



Remove the Debt Limits for Small City School Districts

CSEA Position: Support

Small city school districts (cities with less than 125,000 inhabitants) are subject to a cap on borrowing for school capital projects not to exceed 5% of taxable real property within the district. All other school districts are subject to a 10% cap. This ballot measure removes the 5% cap and subjects small-city school districts to the same 10% cap as all other districts. CSEA represents employees in more than 30 small city schools districts, which are equally deserving of high-quality public infrastructure and facilities.

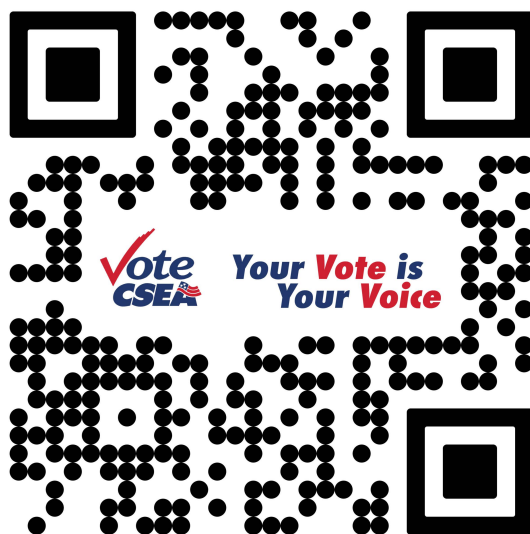
2023 ELECTIONS

WHO'S ON THE BALLOT

2023 is an election year for local government officials. While you won't see candidates running for President, Governor or other state and federal offices on the ballot, you will have the opportunity to elect candidates to county, city and town offices.

While we often get swept up in the fanfare of national politics, decisions by county executives, mayors, and local legislators have a significant impact, particularly on CSEA members who work in local government. These elected leaders make decisions that can effect members' jobs and the quality of life for residents.

The 2023 general election is on November 7! As we get closer, CSEA Political Action Committees across the state will be busy interviewing and vetting candidates to endorse. While not every local office is up for election, it's important to be informed about the races in your community. Visit cseany.org/vote or scan the QR code below to learn who CSEA is endorsing in local races.



SCAN ME

PEOPLE PROGRAM

The PEOPLE Program is a voluntary contribution fund for CSEA's Legislative and Political Action Department. In order to remain influential in the legislative and political realm, CSEA needs resources. However, federal elections law prohibits using your union dues for federal campaigns and lobbying. The PEOPLE Program provides the funds that bring us political clout and give us the ability to influence legislation and political leaders at the federal, state, and local levels.

For as little as 27 cents a day, you can help to protect and strengthen collective bargaining rights, health care and retirement benefits, safety in the workplace, and much more. Whether you are public or private sector, an active member or a retiree, a strong political presence is vital to our existence as a union.

Visit our website at **cseany.org/people** for more information on the PEOPLE Program and to learn how you can sign up!



THANK YOU!

We could not be successful without the dedication and hard work of CSEA members. Every year, it's members who are door-knocking, making calls, and rallying in support of our causes and candidates.

Thank you for all that you do!



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