

**MEMORANDUM**

To: Randi DiAntonio, Vice President  
 From: Patrick Lyons, Legislative Director  
 Date: May 2, 2023  
 RE: Final 2023-24 State Budget

Please see below for the PEF Legislative Department’s preliminary analysis of the 2023-24 state budget, as enacted and its impact on PEF members and the services they provide. The PEF Legislative Team will continue to research the enacted spending plan to further refine this preliminary analysis. Please note, items highlighted in yellow indicates a policy initiative that was advanced by PEF in the 2023 “Fund Our Future” Campaign.

**PEF 2023-4 Executive Budget Analysis**

**Education, Labor and Family Assistance (ELFA): S.4006-A/A.3006-C**

Section	Short Title	Program Description	Issues	Final Outcome															
Part S	Indexing Minimum Wage to Inflation	Increases the minimum wage, consistent with the year-over-year Consumer Price Index-W for the Northeast Region. To ensure that no single-year’s increase would threaten employment, annual increases would be capped, and increases could be paused in the event of certain economic conditions.	SUPPORT	Amended to set differential rate increases for NYC-Metro Area (LI, Westchester) and Upstate and indexes such benefits against inflation annually beginning in 2027  <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th><u>NYC/Metro</u></th> <th><u>Upstate</u></th> </tr> </thead> <tbody> <tr> <td>1/2024</td> <td>\$16.00</td> <td>\$15.00</td> </tr> <tr> <td>1/2025</td> <td>\$16.50</td> <td>\$15.50</td> </tr> <tr> <td>1/2026</td> <td>\$17.00</td> <td>\$16.00</td> </tr> <tr> <td>1/2027</td> <td colspan="2">Indexed annually thereafter</td> </tr> </tbody> </table> Allows for deferral for up to 2 years if: (1) Negative CPI (2) Decrease in employment (3) Increase in UI greater than 0.5%		<u>NYC/Metro</u>	<u>Upstate</u>	1/2024	\$16.00	\$15.00	1/2025	\$16.50	\$15.50	1/2026	\$17.00	\$16.00	1/2027	Indexed annually thereafter	
	<u>NYC/Metro</u>	<u>Upstate</u>																	
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Part U	Child Care Program Expansion	Increases eligibility for child care assistance from 200% to 300% of the federal poverty line or up to 85% of the state’s median income (currently \$93,250 for a family of four)	SUPPORT	Increases eligibility for child care assistance to 300% of the federal poverty line or up to 85% of the state’s median income															

NEW PART FF	Public and Private Museum Study	Requires department of economic development, empire state development corp, DOE, ENCON, the department of state and the council on the arts to study all public and private museums in the state to undertake site specific mission and inventory and identify funding needs and requires a report thereon	SUPPORT	Begins the process of identifying inventory and challenges being faced by public and private museums through cross-agency study and requires a report thereon to develop strategies to address concerns.
NEW PART LL	Body Scanners in DOCCS Facilities	Authorizes the use of body scanning equipment in state correctional facilities subject to departmental regulations	NO OBJECTION	Department required to consult with the union on implementation and usage and usage must be in accordance with current employee search guidelines
NEW PART PP	Authorizing Debt Service Payments for SUNY Hospitals	<ul style="list-style-type: none"> <li>• Authorizes the transfer of up to \$68 million to support the debt service of the SUNY Hospitals</li> <li>• An increase to 7.5% in the Medicaid reimbursement rate payable to these institutions</li> <li>• Access to a pool of additional resources in the disproportionate share program (DSH) and</li> <li>• Additional resources authorized under the Health Care Reform Act (HCRA).</li> </ul>	SUPPORT	PEF worked to secure desperately needed funding for the three SUNY Hospitals. The state budget provides support of approximately \$68 million in debt relief, an increase in the Medicaid reimbursement rate payable to these institutions, access to a pool of additional resources in the disproportionate share program (DSH) and additional resources authorized under the Health Care Reform Act (HCRA). These resources will help support the continued operation of these important institutions. However, PEF will continue to advocate for a longer-term vision for SUNY Downstate, as well as additional resources to support these vital institutions and the services they provide.
NEW PART RR	Decarbonization of State Building	Enacts a new Article 4-D to begin the process of decarbonizing state operated facilities. This program will begin with	SUPPORT	PEF will continue to urge the inclusion of DOCCS facilities in the new geo-thermal

		SUNY campuses. PEF will continue to urge inclusion of Geo-thermal systems in the state correctional facilities as the program continues		conversations to reduce carbon emissions and to address issues of temperature regulation in these facilities during summer months.
Briefing Book	Create the Office of Just Energy Transition	Creates and funds operations of an office which will support both conventional energy workers and communities burdened by fossil fuel infrastructure as they navigate the transition to a clean energy economy in the coming years.	SUPPORT	APPROVED
Briefing Book	Invest in State Youth Facilities	The Budget includes \$16 million in additional capital funding to renovate and maintain vital infrastructure at OCFS youth facilities. This investment is aimed at providing quality space and resources, while ensuring the safety and security of the youth living in the facility.	SUPPORT	APPROVED
Briefing Book	Expand Nurses For Our Future	Expands the Nurses For Our Future Scholarship to continuously grow the New York State Health Care Workforce by addressing the critical nursing shortage facing our health care sector and state agencies. The scholarship program will support tuition costs for nursing students at either a public or private college or university.	SUPPORT	APPROVED
Briefing Book	Modernizing State office buildings owned and leased by the Office of General Services	Provides \$4.5 million to study and pilot projects to modernize and update state office buildings to facilitate hybrid work schedules, while increasing collaboration and productivity. The reconfiguration of spaces to compliment a hybrid workforce promotes the culture of the tenant agency and the health and satisfaction of New York State employees.	SUPPORT	APPROVED

**Public Protection and General Government (PPG): S.4005-C/A.3005-C**

Section	Short Title	Program Description	Issues	Final Outcome
Part S	Continuous Recruitment for Open Competitive Positions	Allows for the continuous recruitment exams for open competitive positions	SUPPORT	APPROVED
Part T	Section 55-b (disabled) and 55-c (veterans)	Expands the number of disabled New Yorkers and veterans that may take state employment from 1,200 to 1,700 and allows for their potential transfer into positions in the classified service	SUPPORT	Expansion limited to disabled individuals under Section 55-b; Does not permit their transfer into the classified service
NEW PART EE	Fee Waiver for Civil Service Exams	Provides \$2.5 million to waive civil service fees for state open competitive and promotional exams and allows municipalities to waive such fees	SUPPORT – Reflects FoF Proposal	Waives civil service fees for state open competitive and promotional exams and allows municipalities to waive such fees
NEW PART OO	Discovery and Disposition of Human Remains	Establishes a process to address the discovery and treatment of human remains on private property	No Objection	Establishes a Native American Burial site committee and a process to address remains when discovered, including inspection by the state arch
Briefing Book	Centers for Careers in Government	Provides \$2 million to establish 12 regional civil service offices to administer testing and to facilitate onboarding of staff	SUPPORT – Reflects PEF FoF Proposal	APPROVED with the understanding that the Executive will work with SUNY and CUNY campuses to administer more civil service exams
Briefing Book	Modernize and Streamline the State's Training and Employment Infrastructure	Transforms DOL Career Centers into "Community Training and Career Centers," with additional professional skills trainers that provide unemployed and underemployed New Yorkers with no-cost training in high-need areas such as digital and financial literacy and entrepreneurship.	SUPPORT – Reflects PEF FoF Proposal	APPROVED
Briefing Book	Public Service Matters Campaign	Establishes a widespread public outreach campaign to reach the next generation of State government leaders. The Executive Budget provides \$2.3 million to create and air this campaign in multiple languages to reach a broader, more	SUPPORT	APPROVED

		diverse audience and to strengthen outreach on difficult-to-fill and high-need State titles.		
Briefing Book	Modernize Civil Service Pay Structure	Provides \$2.2 million to develop a job evaluation system that will review the statewide civil service structure for all job titles to ensure they meet the needs of employers, align with the current job market, consider title pay equity, and level the playing field with the private sector.	SUPPORT – Reflects PEF FoF Proposal. PEF supports raising all state salaries by two grades in order to enhance the state’s ability to recruit and retain top end talent.	APPROVED
Briefing Book	Expand Enhanced Parole Supervision Program	Provides \$7.4 million in additional funding to establish a Supervision Against Violent Engagement (SAVE) program and expand the State’s response to gun violence among the parolee population in Gun Involved Violence Elimination (GIVE) jurisdictions.	Support	APPROVED
Briefing Book	Triple Investment in Reentry Services	Provides \$7.7 million in additional State funding, for a total of \$11.5 million, to reduce repeat or further offenses by meeting the behavioral, health, employment and educational needs of individuals returning to their communities after incarceration.	SUPPORT WITH MODIFICATIONS – Many areas around the state do not have private providers for these services. PEF believes that it is important for OMH, DOL, OASAS and other state-agencies to develop and support a comprehensive package of programming across the state so all formerly incarcerated individuals have access to services and so the state can track progress and gather data on outcomes to inform future policy	APPROVED

Briefing Book	Expand Access to Paid Paternal Leave	Expands New York's Paid Family Leave law by taking steps to offer State employees 12 weeks of fully paid parental leave to use for bonding with a newborn, fostered, or adopted child. The Governor will direct the Office of Employee Relations will engage state unions to make progress toward this goal through collective bargaining	SUPPORT - subject to bargaining	The benefit is approved, but PEF is required to negotiate this benefit in conjunction with its current contract extension.
Briefing Book	Technology and digital services	Expands New York State's capacity to improve and expand digital services by growing the team of user experience researchers and designers within the Office of Information Technology Services and the Office of General Services Digital Team.	SUPPORT provided this plan serves to build state-operated capacity and to protect taxpayer and other data from third party providers	APPROVED

**Health and Mental Hygiene: S.4007-C/A.3007-C**

Section	Short Title	Program Description	Issues	Final Outcome
Part W	Allow Health Care Providers to do More	Allows pharmacists, physician assistants and nurses to issue non-patient orders for HIV-preventative medication; tests for COVID 19, flu tests; authorizes the state to enter into the Interstate Licensure Compact and the Nurse Licensure Compact	OPPOSE – The state should not enter into the Interstate Nurse Licensure Compact unless and until all of the credentialing requirements are aligned for all participating states.	REJECTED
Part X	Agency Nursing Staffing Practice Reporting	Establishes registration and reporting requirements for Nurse Staffing Agencies	SUPPORT	APPROVED
Part CC	Transfer Oversight for Licensed Health Care Professions	Transfers oversight of health care workers from SED to DOH	OPPOSE – Professional titles should be established and regulated by	REJECTED

			independent professional boards of peers under SED which is insulated from Gubernatorial influence	
Part FF	OPWDD Flexibility for Delegated Nursing Tasks	Allows certain nursing tasks to be performed by unlicensed employees (DSPs) of providers certified by OPWDD in non-certified community-based settings.	NO OBJECTION	REJECTED
Part GG	Qualified Mental Health Associate Credentialing	Establishes qualifications and credentials for “qualified mental health associate” to render mental health services	OPPOSE	REJECTED
Part HH	Joint OMH/OASAS Licensure for Certified Community Behavioral Health Clinics	Authorizes OMH/OASAS to develop joint licensure for community behavioral health clinics to render mental health, substance abuse disorder and physical health treatments and establishes an indigent care program for low income individuals	No Objection	APPROVED
Part II	Insurance Reforms for Access to Behavioral Health	Requires insurers to cover costs for behavioral health services including medications for substance abuse disorder.	SUPPORT	APPROVED
Part JJ	Penalties for Facilities that Close OMH Funded Beds	Increases penalties that may be imposed by the Commissioner of Health for state-funded facilities that close inpatient psychiatric beds from \$2,000 to \$25,000; provides for exceptions under certain circumstances including state of emergency and certain staffing issues	SUPPORT	APPROVED
NEW PART KK	Establishes the Independent	Provides that the Ombudsman shall investigate, refer and resolve	SUPPORT	APPROVED

	Ombudsman Program at OPWDD	complaints with the agency or its providers		
Briefing Book	Financing SUNY Hospital Uncompensated Care	Provides an additional \$72 million, growing to \$106 million for Disproportionate Share Hospital (DSH) payments for under and uncompensated care provided by the three State University of New York teaching hospitals.	SUPPORT, but more financial support needed (total \$175 million for SUNY Hospitals)	APPROVED
Briefing Book	Rebuilding the Wadsworth Laboratories	Provides \$967 million in additional funding to complete the consolidation of Wadsworth's five unconnected sites located throughout the greater Albany area into one new, state-of-the-art facility on Albany's W. Averell Harriman Campus to ensure Wadsworth remains at the forefront of international public health research and is well equipped to respond to new public health threats.	SUPPORT with Added Staffing: Dedicating sufficient resource to upgrade the Wadsworth lab is essential. It is equally essential for the lab to fill the more than 200 researcher vacancies to do the work to protect the public health and safety.	APPROVED \$1b for Labs; PEF continues to highlight staffing needs at the labs
Briefing Book	Conduct an Independent Study on the Institute for Basic Research in Developmental Disabilities (IBR)	Includes funding for a two-year independent study focused on how IBR's functions align with OPWDD's strategic goals and the feasibility of revitalizing the facility.	SUPPORT WITH MODIFICATIONS: IBR is a jewel in the public research arena. All stakeholders must be at the table when discussing the future of this important facility and the services and research it provides.	APPROVED
Briefing Book	Evaluate an OPWDD Transition to Managed Care	Assess the potential effectiveness and sustainability of the proposed delivery system to ensure individuals continue receiving appropriate services in the most cost-effective manner. The State is	OPPOSE. Managed care simply equates to authorizing a third party administrator to limit services and expenses to balance the budget on the	APPROVED



		evaluating how managed care could assist OPWDD in improving services and supports for people with intellectual and developmental disabilities. Work is being done to analyze existing research, data and implementation trends, and stakeholder feedback to assess whether other service delivery models, including managed care, should be pursued to advance the stated goals and objectives of the OPWDD Strategic Plan.	backs of clients. The state needs to recognize that using third parties to address public health issues like IDD costs too much, isn't an efficient or effective service delivery model, fails to provide the data necessary to calibrate future policy and lacks appropriate oversight.	
Briefing Book	Expand Inpatient Bed Capacity	Provides funding for the opening of 1,000 inpatient psychiatric beds which is part of a multi-year plan to increase operational capacity at mental health facilities. These beds will help to meet the increased need for mental health services across the State. Added beds include 850 currently offline, inpatient psychiatric beds at public hospitals licensed under Article 28; and 150 new State-operated inpatient psychiatric beds.	SUPPORT – Reflects PEF FoF Proposal – PEF supports expansion of state-operated in-patient stabilization beds to meet increased demand from mental health crisis. PEF believes that taxpayer dollars should be focused on expanding capacity at state-operated facilities to ensure efficiency and effective delivery of services for all New Yorkers.	APPROVED
Briefing Book	Expand Outpatient Services	Expands outpatient mental health services throughout the State by funding 12 new Comprehensive Psychiatric Emergency Programs, including \$60 million in capital; 42 new Assertive Community Treatment teams; eight new Safe Options Support teams, to expand the Critical Time Intervention (CTI) initiative started in 2022; 42	SUPPORT WITH MODIFICATIONS: PEF supports the expansion of outpatient services with new ACT Teams attached to each of the state-operated mental health facilities to coordinate and calibrate care, to track clients, to coordinate with local law	APPROVED

		new Health Home Plus Care Managers; and start-up funding and operating costs for expanded clinic capacity at 20 sites.	enforcement/health care and to ensure appropriate care for at-risk New Yorkers.	
Briefing Book	OPWDD Ombudsman Program	Provides \$2 million to fund the OPWDD Ombudsman Program	SUPPORT	APPROVED
Briefing Book	OPWDD Finger Lakes ITO	Provides \$11.7 million in capital funding to develop additional Intensive Treatment Option (ITO) units at the former Finger Lakes Developmental Center campus. Once operational, these units will have the capacity to serve 39 individuals who require this level of support. ITOs are inpatient treatment settings that are certified as Intermediate Care Facilities (ICFs).	SUPPORT	APPROVED

**Transportation and Economic Development (TED): S.4008-C/A.3008-C**

Section	Short Title	Program Description	Issues	
Part H	Transportation Worker Assault Prevention	Provides that attacks against traffic checkers, motor vehicle inspectors, motor vehicle representatives, highway workers, motor carrier investigators and inspectors increases to assault in the 2 <sup>nd</sup> degree	SUPPORT	REJECTED

**Other Programming Included in Final Budget:**

- (1) **Roswell Park:** \$6 million reduction in capital expenses for Roswell Park (\$57 million to \$51.3 million). The operating supplement is authorized again at the 2022-23 level at \$55.4 million.
- (2) **Summer School for the Arts:** This program is funded at \$1,765,000.
- (3) **OITS Training Supplement:** The \$1.7 million represents a reduction of \$300,000 from 2022-23.