



THE NEW YORK STATE PUBLIC EMPLOYEES FEDERATION TESTIMONY

**PUBLIC HEARING OF THE ASSEMBLY STANDING
COMMITTEES ON MENTAL HEALTH AND ON
ALCOHOLISM AND DRUG ABUSE**

**“To Examine the Status of the Behavioral Health
Workforce”**

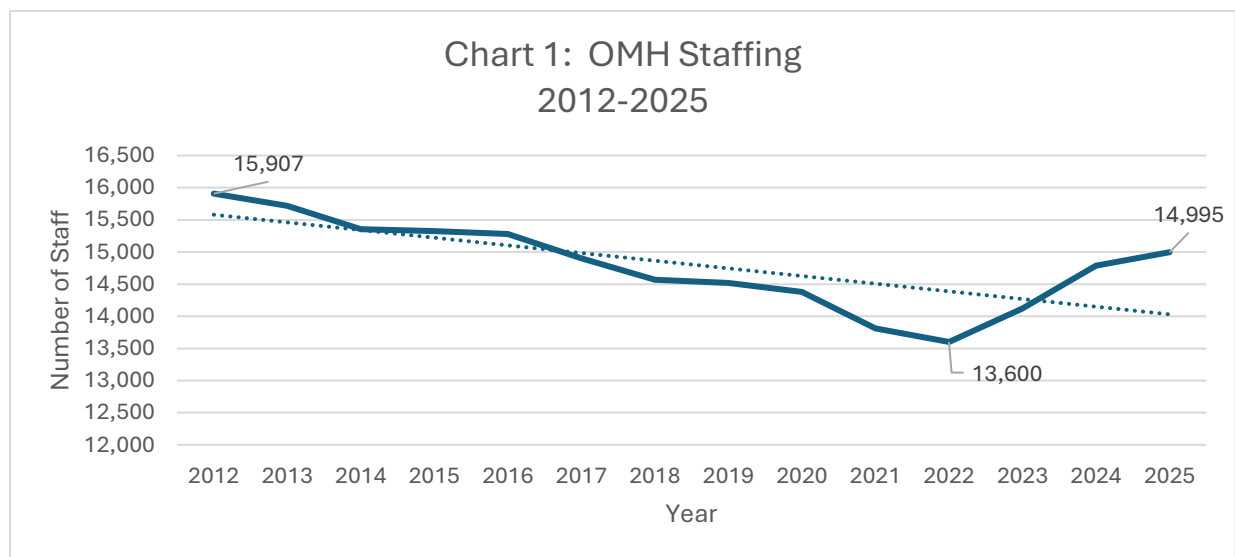
December 10, 2025
Testimony by Wayne Spence

Good afternoon Chairpersons Simon and Steck and other honorable members of the Legislature. My name is Wayne Spence and I am the President of the 55,000-member strong New York State Public Employees Federation (PEF). I want to thank you for the opportunity to speak to you about the status of the behavioral health workforce and the continuing challenges of attracting and retaining employees. Our union is composed of professional, scientific and technical experts who provide critical services to the residents and taxpayers of New York State, including staff at the New York State Office of Mental Health and the Office of Addiction Services and Supports. PEF members take a great deal of pride in their work and the care they provide to New Yorkers and have continued to faithfully deliver these services through times of economic challenge and through a global pandemic.

The issues facing the behavioral health staff at OMH and OASAS differ in some respects, but the PEF staff in these agencies remain concerned about compensation, promotional and advancement opportunities, improving the Tier 6 pension plan, enhancing safety and security in the workplace, and developing an agency-based culture of mutual respect and collaboration.

Office of Mental Health

The biggest challenge PEF members face is the inability of the state to attract and retain sufficient behavioral staff at the Office of Mental Health to maintain operations without relying on overtime. OMH operates 26 separate psychiatric facilities across the state rendering care and treatment to New Yorkers with serious mental health conditions. Chart 1 depicts the agency headcount from 2012, the year Tier 6 was enacted, through 2025.



PEF appreciates that OMH has moved to address its persistent short-staffing issues, but the agency still relies heavily on overtime to meet clients' service needs. From a workforce perspective, the sheer volume of

mandated and other overtime undermines work/life balance, hurts morale, and negatively affects staff retention over the long term.

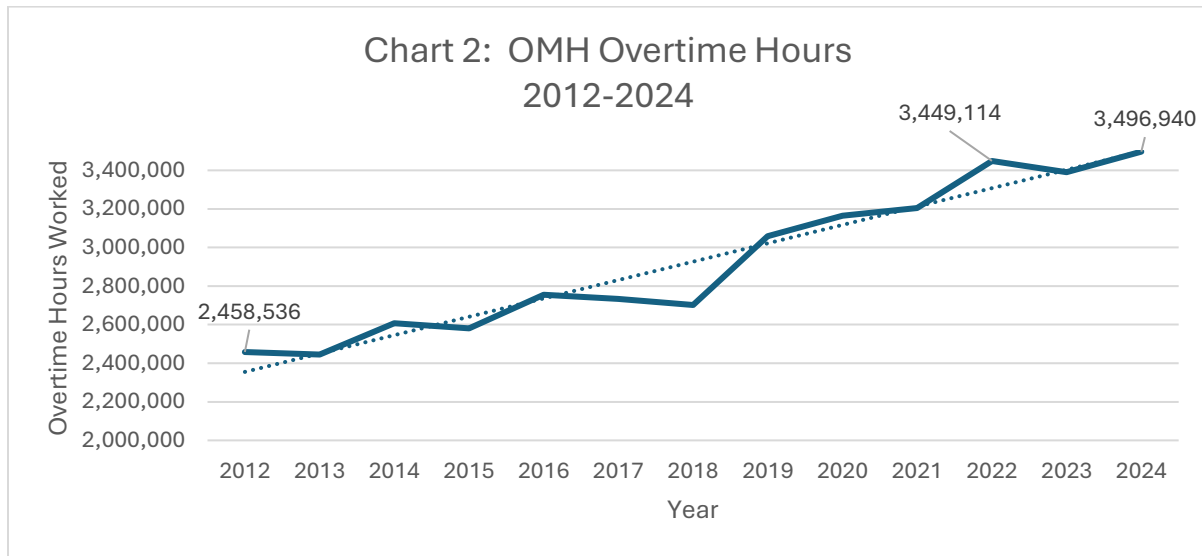


Chart 2 shows the increase in overtime hours since the creation of Tier 6 in 2012. In 2024, OMH staff worked the most overtime in agency history, nearing 3.5 million overtime hours.

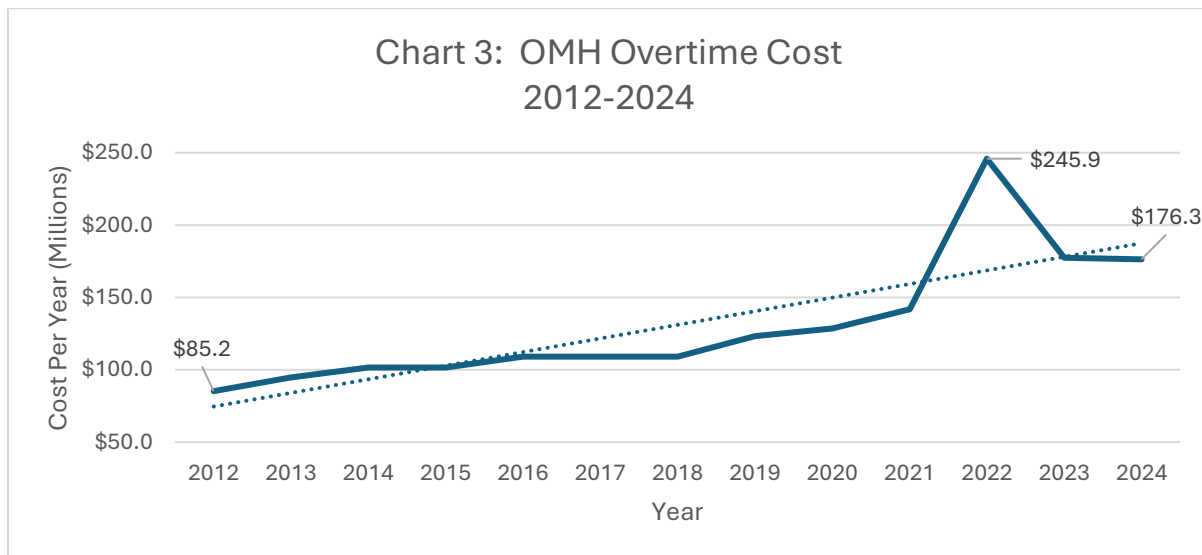


Chart 3 shows the dollar value of all that increased overtime. The spike up and down from 2021-2023 stems from the awarding of enhanced overtime pay for OMH during the COVID pandemic. Despite short-term COVID-related enhanced overtime payments (OT = 2.5 X salary), overtime costs continue to climb even as staffing increases.

The over-reliance on overtime to meet agency needs due to workforce shortages is a short-sighted solution that further undermines the ability of the state to attract and retain behavioral health staff. Servicing individuals

with severe mental illness is rewarding and valuable work; however, the day-to-day work can be challenging and exhausting. Extending time on tasks makes service delivery more challenging and burns out staff.

Address State-Operated Assertive Community Treatment Team Issues

State-operated ACT team members develop long-term rapport with the individuals they care for, and provide fast, effective and tailored treatment in times of crisis. This helps to keep individuals with persistent or recurring mental health issues stable and saves money by limiting interactions with high-cost emergency room treatment or re-admittance to a mental health facility for stabilization.

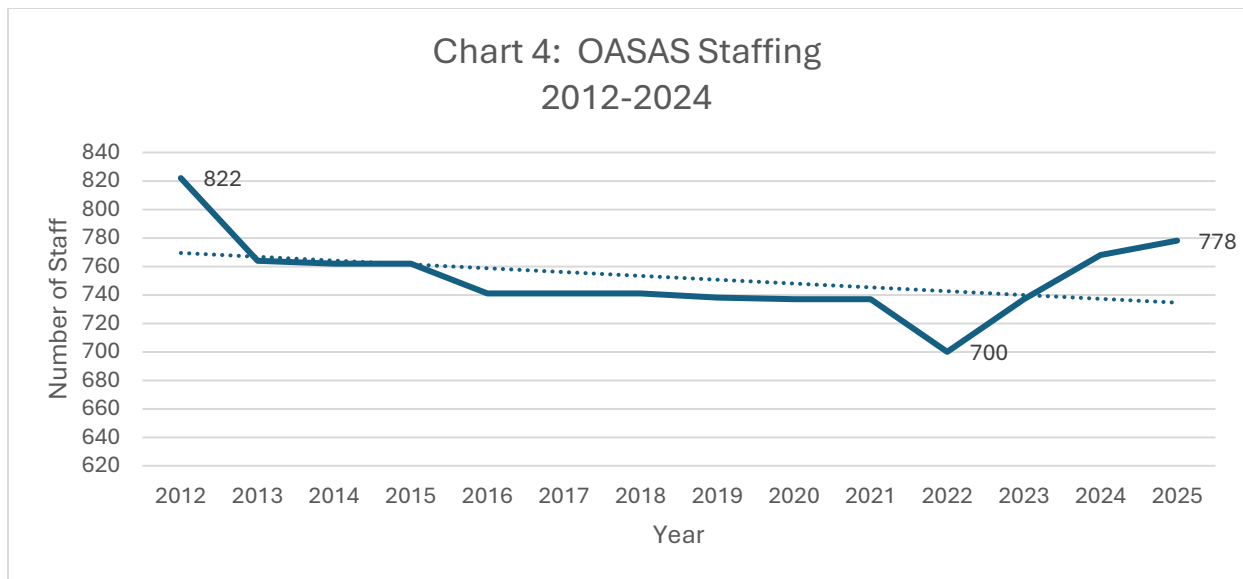
State-operated ACT Team caseloads have increased significantly in recent years, and not just in volume, but in acuity and complexity as well. To ensure that service recipients are treated with dignity and respect, and in ways consistent with expectations and regulations set forth by the legislature, it is paramount that those services are provided by state employees who are trained to render the highest standards of care.

The state currently lacks dedicated, publicly operated ACT teams associated with its own mental health facilities to ensure appropriate emergency and follow up care, the collection of data to inform outcomes, and to gauge future programming needs.

New York also needs to develop additional behavioral health workforce capacity to address the high-need, high-cost populations that require services. New York's state-operated mental health facilities are desperately short of Intensive Case Managers (ICMs) and Forensic ICMs to do follow-up contact and intervention services with those suffering from acute mental illness and/or those who need additional services due to their forensic status.

Office of Addiction Services and Supports

Unlike OMH, OASAS staffing has remained somewhat stable outside of COVID and the agency does not rely heavily on overtime to deliver services. OASAS operates 12 addiction treatment centers across the state. Chart 4 depicts the long-term staffing trends at OASAS. Note that despite the addiction epidemic, staffing has remained relatively flat over time.



One persistent challenge faced by OASAS is having appropriate behavioral staff onsite at all its facilities. They are needed to identify and provide immediate referral services to individuals who present with co-occurring disorders. This shortcoming limits the agency's ability to render holistic treatment and maintain a comprehensive continuum of care for people who are seeking help.

Given the significant increase in the acuity and complexity of individuals who present themselves for services, OASAS staff also report that they have growing concerns with the potential for violence at their worksites. PEF believes that all OASAS facilities should be afforded dedicated, full-time security personnel to manage and de-escalate potential issues.

Solutions

(1) Increase Compensation, Skill Acquisition and Promotional Development and Growth Opportunities

As part of the 2023 State Budget, the Legislature authorized and funded two separate pay grade studies for the state workforce. PEF fully supported these studies to ensure that there is compensation parity for like titles in different agencies, as well as equity in the compensation packages for state employees versus similar titles in the private sector. PEF is concerned that the Department of Civil Service (DCS) is not being transparent with the status and/or outcomes of these studies which were authorized more than two years ago.

PEF remains concerned about the continuation of the NYHELPS program, which allows for the appointment of civil servants without competitive exams that measure skills. To strengthen talent pipelines, upskill employees and stabilize recruitment and retention efforts, New York must utilize the merit and fitness system to identify real competency in high-demand skills that strengthen civil servants and the services they provide. Effective and robust open-competitive and promotional examinations for

executive branch employees must reflect these specific skills and allow examinees to demonstrate their competencies. Transparency is a requirement of this continuum and must be promoted at all levels.

Additionally, the state is failing to provide necessary promotional exams for staff to move forward in their careers. Despite the additional staff allocated to DCS and a doubling of its operating budget, the state is actually offering far FEWER promotional exams for its employees.

Promotional Exams Held by NYS DCS

Year	Number of Promotion Exams Held	Number of Transition Exams Held	Number of Open-Competitive Exams Held	Total Exams Held
2016	541	22	507	1,070
2017	508	47	600	1,155
2018	586	53	653	1,292
2019	584	26	578	1,188
2020	239	1	346	586
2021	420	5	439	864
2022	574	16	540	1,130
2023	532	38	381	951
2024	464	13	77	554
2025*	238	2	7	247

*Exams held as of 5/23/25

In order to attract and retain highly trained and talented behavioral health staff, the state needs to provide competitive compensation and opportunities for professional advancement and growth. Additionally, as has been done at other agencies with hard-to-staff titles, management needs to be more proactive in identifying potential staff, including offering hiring bonuses and other financial and non-financial incentives to attract talent necessary to support OMH and OASAS operations and to ensure the delivery of quality and efficient services to service recipients.

(2) Repair Tier 6 Pension Plan

The state's defined benefit pension plan is designed to retain workers. However, Tier 5 and 6 members see the discrepancy in the benefit structure with their Tier 4 colleagues (i.e., higher contribution levels, lesser pension factor, overtime exclusions, etc.) or that they are ineligible to retire until age 62 or 63, respectively, and they fail to see the value of the pension plan or staying in state service over the long haul. While we have made some progress over the last few years by reducing the vesting period and going back to three-year final average salary calculation, more needs to be done. PEF urges policymakers

to continue to improve the Tier 6 plan by reducing member contributions and by instituting an earlier retirement option when members are age 55 or older and have 30 or more years of service.

Since the enactment of the Tier 6 plan in 2012, the average length of service for state employees has declined by more than 20%, from 15.4 years to 12 and the annual cost of overtime has doubled reaching more than \$1.2 billion annually. The over-reliance on overtime hurts retention, increases burnout and detracts valuable time from families. Also, high staff turnover reduces the development of expertise and increases onboarding and training costs. The Tier 6 plan may be saving money on pension costs, but it is increasing costs in other areas of the budget and undermining long-term expertise development for state agencies.

(3) Safety and Security in the Workplace

Assaults and injuries are on the rise at OMH. Over the past year, there have been at least two separate incidents that have left staff severely injured. New York needs to do better! First, New York's violence prevention law needs stronger enforcement and reporting provisions to compel certain public employers to address identified safety and security shortcomings in timely manner. PEF is requesting amendments to Labor Law Section 27-b to expand protections for public employees regarding workplace violence and to require public employers to take specific action to prevent workplace violence. Second, PEF is requesting that body scanner technology and modern communications equipment be acquired and made available to staff at all OMH, OCFS, and OPWDD facilities. More specifically, PEF requests that you:

- Improve New York's workplace violence prevention law [See also, S.7658 (Sen. Ramos)/A.8223 (Asm. Bronson)].
- Authorize and fund the installation of body scanners and modern communications equipment at state-operated forensic and secure facilities managed by OMH, OCFS, and OPWDD (See also, S.8054 (Sen. Baskin)/A.8232 (Asm. Paulin); and

(4) Improve Agency Culture and Collaboration

The state needs a legislative or regulatory policy to educate employees, as well as to identify and eradicate inappropriate conduct, like bullying and abusive conduct in all state agencies. The state currently has a law requiring all state employees to undertake an education program to identify and eradicate sexual harassment in the workplace, but no training to identify abuses or uniform standards to prevent inappropriate workplace conduct. PEF is open to any and all solutions to this workforce problem as continued inaction is hurting the state's efforts to attract and retain staff.

Once again, thank you for the opportunity to provide this testimony before you today.