



## Letters Received Regarding Temp Services

For NYS Procurement Council consideration at the July 14, 2016 meeting:

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**From:** David Schoch [<mailto:DSchoch@goodwillny.org>]  
**Sent:** Monday, July 11, 2016 2:43 PM  
**To:** Filburn, Susan M (OGS) <[Susan.Filburn@ogs.ny.gov](mailto:Susan.Filburn@ogs.ny.gov)>  
**Subject:** Procurement Council Vote this Thursday

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Dear Procurement Council Member Filburn:

As a member of the New York State Procurement Council you are scheduled to vote on proposed definitions for Preferred Source offerings at the Council's next meeting on Thursday, July 14. Included is a proposed definition for **Temporary Personnel, Office** that states:

**Temporary Personnel:**

**Office (recommend changing title to Temporary Personnel – Office)** is a temporary worker hired for a pre-determined period of time to assist a customer in an office environment. The worker may be asked to complete administrative and clerical tasks including, but not limited to, answering and directing calls, opening and distributing mail, operating office equipment, or other similar tasks as assigned. The worker may assist with a wide range of clerical and administrative functions. **This service does not include professional, IT, or trade services.**

The exclusion of professional, IT and trade services is a change in current service offerings that jeopardizes not only 150 individuals with disabilities currently placed in professional and IT positions through NYSID, but potentially jeopardizes all temporary staffing Contracts served by NYSID that include even one professional or IT title. If NYSID cannot fulfill the form, function and utility of an entire contract, the Contract will not be eligible for placement through NYSID. This affects 700 individuals with disabilities currently working through NYSID Temporary Staffing Contracts and thousands who are employed annually under current guidelines.

Four reasons the definition needs revising:

1. Updating definitions should not eliminate jobs currently filled by individuals with disabilities (Currently 700 jobs)
2. There are individuals with disabilities at all levels who need the benefit of Preferred Source (150 Professional and IT workers are currently benefitting from Preferred Source)
3. The exclusions listed in the definition jeopardize contracts for Temporary Office Workers if they contain even one Professional or IT title. (95.6% of the 1,085,462 hours worked by Temporary Personnel in 2015 involve contracts that contain at least one Professional or IT title)
4. Using Preferred Source for Temporary Personnel contracts that include some IT and Professional titles has benefited NY State:
  - a. 1,292 qualified individuals with significant disabilities were paid wages of \$14,408,530.78 in 2015, turning them into tax-payers and limiting benefits paid.
  - b. While Preferred Source guidelines allow billing rates that are up to 15% higher than prevailing rates, Professional and IT titles placed through NYSID are typically below prevailing rates. Here is a sampling of Professional titles the Procurement Council has identified:

Professional Titles Listed by Procurement Council as excluded that are Currently Filled through Preferred Source	NYSID's Rate	Bureau of Labor Statistics - NY	Salary.com + 30% Agency Markup	Glassdoor.com + 30% Agency Markup
Lawyer	\$77.34 <sup>1</sup>	\$84.14	\$108.38	\$83.92
Paralegal / Legal Assistants	\$30.93 <sup>1</sup>	\$32.75	\$46.36	\$35.74
Social Workers (BSW)	\$38.67 <sup>2</sup>	\$37.01	\$38.16	\$34.05
Accountant	\$40.21 <sup>1</sup>	\$57.27	\$48.98	\$42.65

<sup>1</sup>Below Prevailing Rates <sup>2</sup>Within 15% of Prevailing Rates

Temporary Personnel has been one of NY State's most successful Preferred Source offerings, employing over 16% of the individuals with disabilities placed through NYSID each year. The change in the proposed definition--Excluding professional and IT titles--threatens to eliminate an entire category of job opportunities and a service that has successfully benefited Government Agencies, individuals with disabilities and New York State for over 20 years.

The signatures and comments on the [petition](#) linked below oppose excluding Professional and IT Titles. Please speak up at Thursday's meeting. Represent the people of New York. Object to the exclusions of Professional and IT titles. Vote YES on a definition that provides clarity, but does not target the jobs of hard working New Yorkers with disabilities.

<https://www.change.org/p/stop-ny-state-from-limiting-jobs-for-people-with-disabilities>

Thank you for your support.

Sincerely,

David Schoch  
Senior Vice President  
GoodTemps Division  
Goodwill Industries of Greater NY and Northern NJ  
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New York, NY 10036  
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MICHAEL SIMANOWITZ  
Assemblyman 27<sup>th</sup> District

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

COMMITTEES  
Aging  
Agriculture  
Consumer Affairs  
Economic Development  
Higher Education  
Small Business

July 13, 2016

RoAnn Destito  
Commissioner of NYS Office of General Services  
Coming Tower-- 41<sup>st</sup> Floor  
Empire State Plaza  
Albany, NY 12242

Dear Commissioner Destito,

I am reaching out to the Procurement Council to weigh in on the proposed changes to the Preferred Source Definition List that are on the Agenda for the Council's meeting on July 14<sup>th</sup>. The recent growth of technology in the workforce has made it clear that these updates are necessary and well-timed. I commend the Council for its proactive response to this matter. However, I would like to draw the attention of the Council to a proposed change that would not only cost the livelihood of many New Yorkers, but would ultimately betray the purpose behind the Preferred Source Program.

Under the May 25<sup>th</sup> List definitions, professional and IT services have been excluded from the list of approved Temporary Office Personnel. If this amendment were to be enacted, hundreds of New Yorkers with disabilities would be adversely affected in years to come. In the last two years alone, 151 individuals with disabilities were placed in professional or IT titles and 62 of those individuals continue to serve in that capacity.

The Preferred Source Program has successfully employed thousands of disabled New Yorkers and reflects a commitment to our dedication to the rights of all citizens. However, this proposed amendment would act as a disservice to our disabled population, whose current unemployment rate is over 75%.

Under OGS guidelines, the List should be interpreted as widely and broadly as possible to maximize employment opportunities for individuals with disabilities. I request that OGS honors this principle and removes the exclusion for professional and IT services from their proposed amendments. I would urge the Council reject any revisions that would impose employment opportunity limitations on individuals with disabilities.

Each of our valued citizens should be afforded opportunities to learn with evolving technology and advance to their full potential. I am certain that the Council will honor this commitment and reflect these concerns in its upcoming vote.

Thank you for your consideration.

Sincerely,

Michael Simanowitz  
Member of Assembly



# NY NJ

July 14, 2016

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Deputy Chief Procurement Officer Sue Filburn  
Office of General Services  
Corning Tower, Empire State Plaza  
Albany, NY 12242

Dear Procurement Council Member Filburn:

We are greatly concerned with the revisions to the Preferred Source definitions as they have been presented by OGS for a vote July 14th before the Procurement Council. As the Board Chair and President & CEO of Goodwill Industries of Greater New York and Northern New Jersey, this change may have an extremely deleterious impact on our ability to serve and place people with disabilities. We understand that the impetus for this review was a request by the Commissioner of OGS to bring the Preferred Source List into the 21st century, however, the suggested changes not only fail to meet either of the above stated directives, they will operate to reduce the List of offerings that the disabled can perform because of the narrow scope of the definitions.

The Preferred Source Program is a social program, legislatively enacted to increase opportunities for individuals with disabilities to secure and flourish in service and commodity producing jobs. Naturally those jobs are limited. Recognizing this limitation, OGS has, per its own guidelines, stated that the List should be interpreted as widely and broadly as possible to maximize opportunities for employment for individuals with disabilities, whose current unemployment rate is over 75%.

Goodwill NYNJ Good Temps, our temporary staffing division, with Preferred Source contracts for Temporary Personnel, has been able to offer diverse opportunities to individuals with disabilities. The proposed definition changes by OGS will be revised to include the following: "This service does not include professional, IT, or trade services". This revision would mean that potentially thousands of individuals with a disability who could be employed through Preferred Source contracts for Temporary Services, would not be employed. With the unemployment rate for people with disabilities around 75%, this would be a travesty.

Plainly put, with definitions as proposed, it is difficult not to conclude that OGS feels individuals with disabilities either cannot or should not be given the opportunity to be trained on new and advancing technology, or cannot or should not

[www.goodwillnynj.org](http://www.goodwillnynj.org)  
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be given the opportunity to expand their capabilities into higher level, higher paying, and temporary jobs.

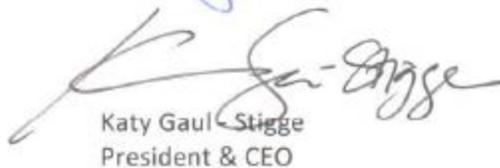
We are asking you to urge the Council to reject any limitation on employment opportunities for individuals with disabilities. Instead, we encourage and applaud a true effort to update the Preferred Source List of offerings with definitions that are understandable, and, as importantly, actually useful in today's marketplace. We are also requesting the Council direct those state agencies and others utilizing the List to continue to interpret the offerings as broadly as possible to ensure, as it has for over 40 years, that the legislative intent of this program, to put people with disabilities to work, is realized.

We appreciate attention to this issue in view of the expected vote on July 14th.

Sincerely,



Henry Gooss  
Board Chair



Katy Gaul Stigge  
President & CEO



# NY NJ

July 14, 2016

The Honorable Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

Dear Governor Cuomo:

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Sincerely,



Henry Gooss  
Board Chair



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Cc: Sue Filburn, Deputy Chief Procurement Officer