

## OTDA PEF Labor/Management Meeting Minutes

**Date:** September 16, 2021

**Location:** 1168-70 Troy Schenectady Road, Latham, New York 12110 and 40 North Pearl Street, Albany, NY 12243

**Time:** 9:00 a.m. to 12:00 p.m.

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### Agenda Items

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#### 1. Agenda Item - DDD Positions Pending Hiring Freeze Waivers

New Business       Old Business

**Description:** How many total DDD position requests are currently pending Waivers with the Division of the Budget? Please advise as to when the request was made and/or updated.

Where will OTDA specifically be backfilling for vacant FTE positions; full-time & part-time, and any hour vacancy not limited to hourly. Labor requests a breakdown per location.

Did Management ask the home office for this information, and was it not provided?

Labor requests the number of pending per position, in each Processing Center (PC), and within the Agency at each location.

# of DA 5 positions pending?

# of DA 4's.

#of DA 3's.

# of DA 2's (Estimation: PC 4 is currently down 53 DA 2's).

**Response:** Pending Division of Budget approval there are two DA 5 positions; one in Albany and one in Endicott. There are two pending DA 4 positions; one in Albany and one in Endicott. There are five pending DA 3 positions; three in Albany, two in Endicott. DDD are currently recruiting two DA 4 positions, one in Albany and one in Endicott. DDD is recruiting one DA 3 in the Manhattan office. At this point, we do not have hiring authority from SSA to hire DA 2's but will try to fill as many positions as possible.

**Action Item:** DDD Management will ask SSA to provide an estimate of the earliest approvals for new hires and provide that number to PEF. DDD Management will provide the number of DA 2 vacancies at each location by October 1.

Vacant Disability Analyst 2 positions:

PC1: 120

PC3: 56

PC4: 73

PC5: 34

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## 2. Agenda Item – Office of Administrative Hearings Calendar Changes

New Business       Old Business

**Description:** Update on Agency increase in number of OAH Hearing Calendars to remedy backlog of unscheduled cases. Increased backlog of undrafted decisions has occurred and affecting Hearing Officers negatively both in evaluations and morale. Statewide Issue.

**Response:** Management has received authority to hire 14 Hearing officers and is aggressively recruiting for those positions. Management continues to monitor calendars and attempts to balance calendars to equitably distribute the workload; new staff will be brought onboard to assist in that distribution. Management will continue to evaluate scheduling and reduce the overall workload as soon as it is practicable given intake and the backlog. Management and Labor have agreed to creation of a subgroup to discuss these issues as soon as deemed practical.

Management agrees to review with SHOs the issuance of any unsatisfactory six month or one year evaluation to ensure they are not solely based on the increased workload created by the 3-2 calendars implemented in response to the Public Health Emergency. To the extent they are solely based on the Public Health Emergency, the SHO will be asked to reconsider the evaluations.

**Action Item:** Management and Labor will share names of representatives for the committee by September 23, 2021.

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## 3. Agenda Item – Written Case Coverage Policy

New Business       Old Business

**Description:** When an analyst is out or on vacation their cases are passed out/given to other analysts in the module to take the next action, log in mail, make a phone call or whatever is needed. It varies per supervisor and manager. Some analysts get cases given out all the time, but others get none of their cases handed out when they are on vacation or sick. PEF is asking for a written case coverage policy so that all analysts receive coverage during times out of the office and is uniform for all analysts.

**Response:** Case coverage is at the discretion of management and should be applied equitably. DDD Management will review with each module manager and review any specific examples that Labor can provide.

**Action Item:** Labor will provide language for suggested broad guidance on case coverage.

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## 4. Agenda Item - Telecommuting

New Business       Old Business

**Description:** Effective July 12, 2021, OTDA permitted up to two days per week of Telecommuting. All staff began reporting in office at least three days per week. This agreement was not signed-off by the Public Employee Federation, AFL-CIO, nor its designee.

Labor requests Management and Labor revisit and revise the Telework Plan, developing a more comprehensive plan that factors in life needs of the employees who have faithfully served this Agency and the citizens of New York State.

**Response:** Management understands the obligations under the newly ratified contract and will proceed accordingly.

**Action Item:** Management agrees to begin the process to revisit the telework plan in October. Management request Labor send comments on the current telecommuting agreement two weeks prior to the scheduled meeting date. Management requests Labor provide a list of participants.

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## 5. Agenda Item – DDD Telecommuting Agreement

New Business     Old Business

**Description:** Division of Disability Determinations (DDD) has directed its staff to sign a new agreement to continue Telecommuting starting September 1, 2021 through December 31, 2021.

Labor requests a comprehensive explanation for the new agreement.

**Response:** DDD Management understands Labors concerns with the non-consecutive day telecommuting scheduling. The scheduling policy is not intended to be punitive but rather based on operational need. DDD management will review that policy in light of Labors concerns.

**Action Item:** Labor will draft language to substantiate the need for and explain the value of 2-day consecutive schedules and forward to DDD management.

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## 6. Agenda Item – Communication improvement with BMS and Labor on Health and Safety Issues

New Business     Old Business

**Description:** PEF requests better back and forth communication with BMS on health and safety issues. This has been addressed at Health and Safety for over 3 years.

**Response:** Management recognizes and understands Labor's concerns and are committed to improving communication.

**Action Item:**

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## 7. Agenda Item – Error in Processing Vocational Assessment Forms (TSA)

New Business     Old Business

**Description:** Labor has identified an error in processing the vocational assessment form (TSA). When the information or assessment is returned to the Analyst, pertinent question(s) are missing from the initial form, requiring extraordinary back and forth, causing claims to be reviewed and continually re-reviewed.

Labor requests the appropriate questions are added to the vocational assessment form to expedite reviews.

**Response:** DDD Management is unable to directly enhance SSA applications but are willing to forward concerns to SSA.

**Action Item:** Management would like Labor to put together a list of requested enhancements.

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### **Informational Item(s):**

- DDD move from Church Street to Beaver Street in Manhattan is now scheduled for October 22, 2021.
  - Labor and Management would like to thank Maddie Shannon-Roberts and welcome Ellen Fuller as PEF Labor Chair.
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### **Next Meeting/Date & Place**

Proposed dates for the next OTDA PEF Labor/Management Meeting are:

- January 12, 2022
- January 18, 2022
- January 19, 2022
- February 1, 2022
- February 2, 2022
- February 8, 2022
- February 9, 2022

The following individuals were present at the OTDA PEF Labor/Management Meeting held on September 16, 2021:

#### **Labor**

Pam August  
Christopher Banach  
Sharon DeSilva  
Danielle Freeman  
Ellen Fuller  
Mickey Heller  
Dianne Herrmann  
Maliyka Muhammad  
Jill Poeller  
Martin Robinson  
Maddie Shannon-Roberts  
Scott Staub  
Ryan Stoliker

#### **Management**

Joseph Agars  
Kenneth Crannell  
Roy Esnard  
Linda Glassman  
Michael Hein  
Alaine Heritage  
Wallis Howe-Rosenzweig  
Mark Longtoe  
Eric Schwenzfeier  
Jill Shadick