

OTDA PEF Labor Management Meeting

Date: May 4, 2022

Location: PEF Headquarters, 1168-70 Troy Schenectady Road, Latham, NY 12110

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

Introductions

Agenda Items

1. Agenda Item – Schedules and Hearing Officers

New Business Old Business

Description: At the January 12, 2022, Statewide Labor/Management Meeting, Labor requested that Management implement operational procedures that will decrease the hearing burden's placed on Hearing Officers, but no changes were made at that time. OAH situation of caseload, both unscheduled and undrafted, continues to increase and morale continues to worsen. Appellants are not being properly served.

Does OTDA/OAH have any actual number's calendars that were done prior to November 2020, compared to the number of Hearing Officers, and the same for 2021?

Does OTDA/OAH have any figures for:

1) Number of Hearing Officers Pre-pandemic?

2) Number of Hearing Officers who left OTDA/OAH since November 2020 vs the number of new hires (who are still working since November 2020)?

How does changes in department leadership impact upon the above?

Again, Labor asks for Management to implement operational procedures that will decrease hearing (and drafting) burdens?

Response: 1) 112 ALJ's on staff.
2) 12 people left, 10 promoted, 18 ALJ's added.

A special meeting will be held with PEF and Management to address the concerns by the end of May.

Action Item:

2. Agenda Item - Telecommuting

New Business Old Business

Description: Teleworking consecutive days and/or Week 1/Week 2 options.

Discussed at Statewide Labor/Management Meeting on January 12, 2022, and at Local Labor/Management Meeting PC4 on February 17, 2022, and PC5 on March 21, 2022.

Given the increase in COVID cases, PEF is asking for increase in both days and flexibility to the current Telework agreement, as operational needs allow.

Additionally requesting a long term Telework Agreement beyond May 31, 2022.

40 North Pearl Street had 12 positive cases between April 11, 2022 - April 12, 2022. PC4 Endicott had 5 positive cases since March 31, 2022. Broome County has seen a recent rise in positive cases. As of April 10, 2022, the positivity rate is 13.09%.

Response: DDD will allow consecutive days of telecommuting and allow employees as much flexibility as possible based on operational need and supervisory approval. The May telecommuting end date will be extended until August 31, 2022.

Action Item:

3. Agenda Item – Hiring of ITS 2 and ITS 3 Positions and Medical Consultants

New Business Old Business

Description: Discussed at Statewide Labor/Management Meeting on January 12, 2022, and Local Labor/Management Meeting on March 15, 2022.

IT3 positions were being moved from NYC to Albany. Canvass for IT2 positions at Buffalo and Endicott ended February 19, 2022. It is now May. Have any appointments been made?

Discussed at Local Labor/Management on January 10, 2022. Referred to Statewide -
What are the recruitment plans and methods for the hiring of Medical Consultants (MCs)?

Response: There were no responses to the posting. DDD waited until the new list was available on April 4, 2022 and submitted a profile for listing. Report of Canvass went to DDD on April 26, 2022, and they are currently recruiting.

The IT position was moved on January 28, 2022, and appointment done on March 3, 2022. All the Management Confidential positions have been filled.

Action Item:

4. Agenda Item – Disability Analyst 2 Positions

New Business Old Business

Description: Per the January 12, 2022, Statewide Labor/Management Meeting Minutes - DA2 hirings/positions pending:

Albany - 22 approved, 15 appointments pending, 7 still recruiting

Buffalo - 13 approved, 7 appointments pending, 6 still recruiting

NYC - 39 approved (27 Oct, 12 Dec), 26 appointments pending, 13 still recruiting

DA2 (Spanish)

Albany - 3 still recruiting, Buffalo - 2 still recruiting, Endicott - 2 still recruiting, NYC - 3 appointments pending.

Considering the numbers of "still recruiting", resignations, and the start of provisional interviews, Labor is requesting status regarding DA2 hires.

Response: Albany 19 filled, 3 recruiting.
Buffalo 8 filled, 5 recruiting.
NYC 29 filled, 10 recruiting.
Endicott 28 approved, 22 filled, 6 recruiting.
DA2 Spanish language, the NYC appointments have been made.

BHR will work with Civil Service to ensure 4.2B appointments take place when filling DA2 positions Statewide if no eligible list exists.

Action Item:

5. Agenda Item – Disability Analyst 4 Positions - Endicott

New Business Old Business

Description: Dissemination of information. Amending of minutes.

Information provided by management at the January 12, 2022, Statewide Labor/Management Meeting Minutes states; Endicott had three DA4 positions currently recruiting. At the February 17, 2022, Local Labor/Management Meeting, Management stated two DA4 appointments announced. Management alluded to it being due to a typo in the officially approved minutes.

Action Item:

- 1) clarify the number of DA4 positions in Endicott NY.
- 2) appropriate notification, amendment of approved minutes.

Response: 1) The correct number is 2 and both positions were filled on February 7, 2022, at Endicott.
2) In the event of future errors or typos found in published minutes, OTDA will issue an amendment.

Action Item:

6. Agenda Item - Consistent Dissemination of Information.

New Business Old Business

Description: Consistent Dissemination of Information. From Management down to front line workers.

Labor is requesting Policy Information, POMS information, changes to case processing, be presented to agency, as a whole, from Program Integrity to the entire PC, instead of using chain of command. Similarly, Labor is asking for consistent dissemination of information from Senior Staff meetings.

As an example: POMS usually go into effect the day it is released from SSA. EM POMS was rescinded as of BOB April 7, 2021. My unit was not notified timely. We in essence played "telephone" and had to receive the information from another unit via Analyst to Analyst. All affected Analysts should receive the information at the same time, not when their DA5's, DA4's, and DA3's send the information (further delaying the communicated information). Additionally, if communication is only done verbally, it is even more inefficient and ineffective.

Response: Deputy Commissioner Beckford has already issued an email regarding Program Operations Management Systems (POMS) on April 27, 2022.

Any information that impacts the operation will be disseminated in writing.

Action Item:

7. Agenda Item – Case Coverage Policy

New Business Old Business

Description: Case Coverage - At the Statewide Labor/Management Meeting held on September 16, 2021, Labor requested a consistent Case Coverage policy. Management responded that Case Coverage should be applied equitably, and they would review with each PC/Module. Management agreed that Labor would submit language for suggested broad guidance on Case Coverage. At the January 12, 2022, Statewide Labor/Management Meeting, language was submitted. Management agreed to provide status at Local Labor/Management. At local Labor/Management, Management referred to SW.

Proposed Language:

For Call Ins –

Coverage must begin no later than Day 2 (can be unit if desired)

On Day 3 module coverage should begin and continue for length of absence.

For Vacations/extended leave – (planned three days or more)

Module wide coverage should begin on Day 1.

Desk Coverage is provided by unit supervisor, which entails voicemails/phone messages, and follow ups other than determinations.

Module wide case coverage is used to take the next appropriate actions on a case (forms/calls/determinations, etc...). The analyst providing the case coverage is expected to complete the case as if it was their own.

When providing case coverage, three cases per day (or equivalent to intake) should be passed out module wide, until the analyst returns.

This is a general guideline, which can be adjusted as needed to provide equitable coverage for all Analysts. OT hours, if available, may also be used to supplement case coverage.

Response: The following information was distributed to all DDD employees on Monday, May 9, 2022, addressing this agenda item.

Case coverage becomes necessary when an analyst has to be out from work for under 30 days. Case coverage responsibilities may include responses to telephone inquiries, mail review and other needed follow up actions. In some instances, analysts may be expected to completed case determinations. All members of the operations staff are expected to provide case coverage. Program management will ensure that case coverage is equitable and fair.

Action Item: The Commissioner has agreed to consider the request and will follow-up by the end of May 2022. (See response above).

8. Agenda Item – Case Reassignments

New Business Old Business

Description: At the January 12, 2022, Statewide Labor/Management Meeting, Labor proposed Management consider minusing of cases for case intake when reassignments are done. Management's response was that the action item would be discussed with Local Labor reps at next Local Labor/Management Meeting.

At Local Labor/Management Meetings, Management referred to Statewide Labor/Management as a Statewide issue.

Labor is again asking for Management to consider a policy in regard to the modification of case intake when someone is leaving, retiring, or on extended leave (3 weeks or more).

Response: The following information was distributed to all DDD employees on Monday, May 9, 2022, addressing this agenda item.

Case reassignment will be necessary when an analyst will be out for more than 30 days or has separated from DDD. The analyst who receives reassigned cases will assume full responsibility for each case.

Action Item: The Commissioner has agreed to consider the request and will follow-up by the end of May 2022. (See response above).

9. Agenda Item – Revision to SSA Forms

New Business Old Business

Description: Revision to SSA forms

At the September 16, 2021, Statewide Labor/Management Meeting, Labor requested modification to forms/questionnaires to address concerns identified by Analysts. Management stated they would forward any concerns about forms to SSA.

At the January 12, 2022, Statewide Labor/Management Meeting, the concerns were compiled and presented to Management with recommended revisions to SSA Function Report Adult and to SSA-3369-BK work Hx.

Status of submissions to SSA?

Response: The current SSA form cannot be modified. A workgroup was created resulting in a supervisory form complementing the SSA required form. The form is currently in use.

Action Item: Clarity on work group and list of participants and will report back to PEF within a month by May 2022.

10. Agenda Item – Certification/License Renewal Fee Reimbursement

New Business Old Business

Description: CLRFR - Certification/License renewal Fee Reimbursement.

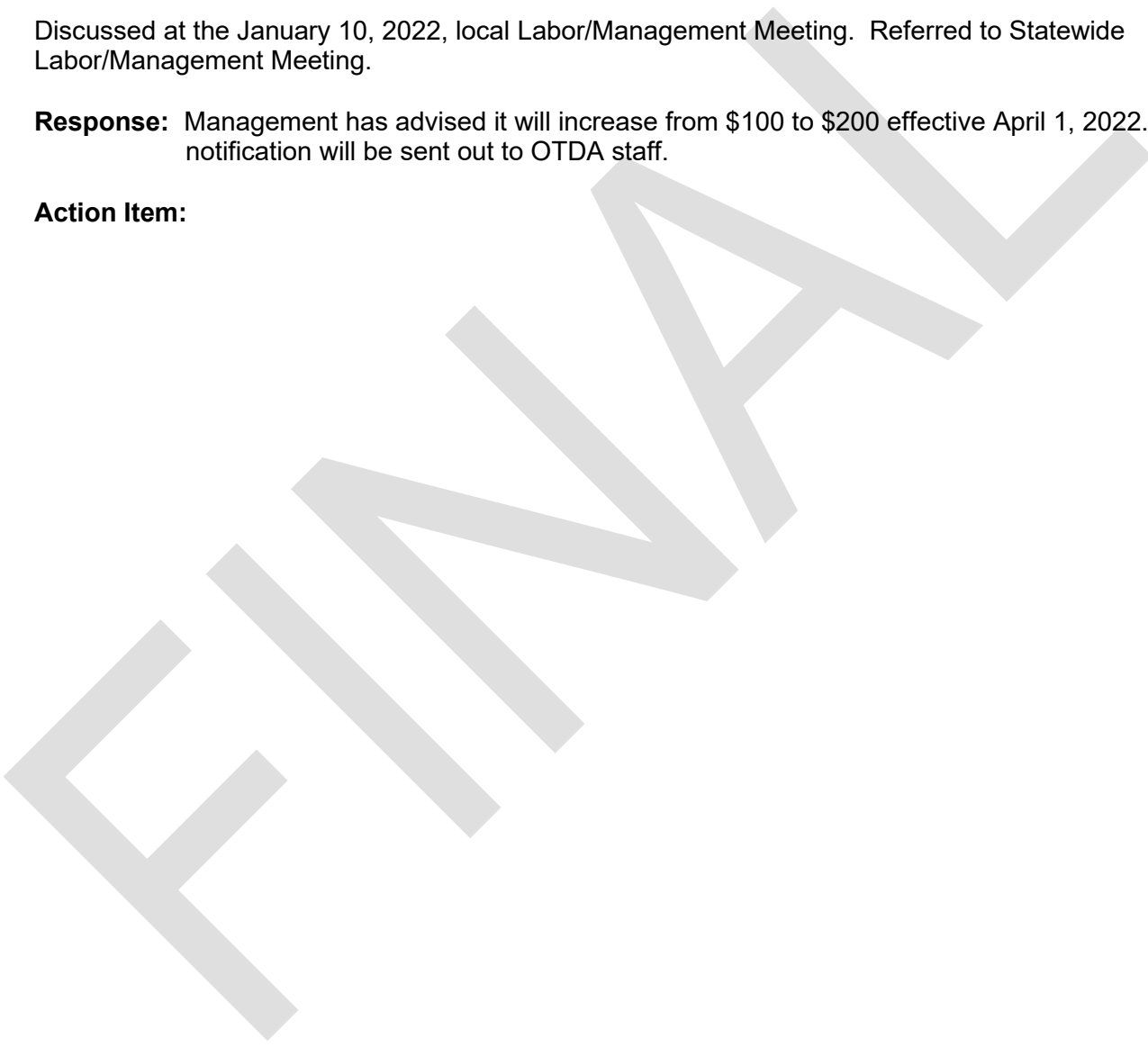
Staff can apply for reimbursement of up to \$100 yearly associated with certification and license renewals for MC's

Labor is soliciting support and assistance for qualified employees in applying for pilot program under Article 15 of NYS PEF Contract.

Discussed at the January 10, 2022, local Labor/Management Meeting. Referred to Statewide Labor/Management Meeting.

Response: Management has advised it will increase from \$100 to \$200 effective April 1, 2022. A notification will be sent out to OTDA staff.

Action Item:



11. Agenda Item – Monthly Receipts 2021

New Business Old Business

Description: Management reported at the February 17, 2022, Local Labor/Management that F.O. were rebalanced in December of 2021, to address case assignment discrepancies. (See attached data provided by management at the February 17, 2022, meeting).

Have the monthly receipts balanced out for 2022? Does case distribution remain fair/equitable between PC's?

Response: Based on the internal data the average case assignment is 41 cases per analyst with the exception of Buffalo which is 43 per analyst per month on average. Deputy Commissioner Beckford states data received today will be considered and plans to meet with representatives by July 31, 2022

Action Item: Management will give a response by July 31, 2022.

12. Agenda Item – Summary of Newly Passed Budget as it Relates to OTDA

New Business Old Business

Description: Labor request summary of the newly passed budget as it relates to OTDA?

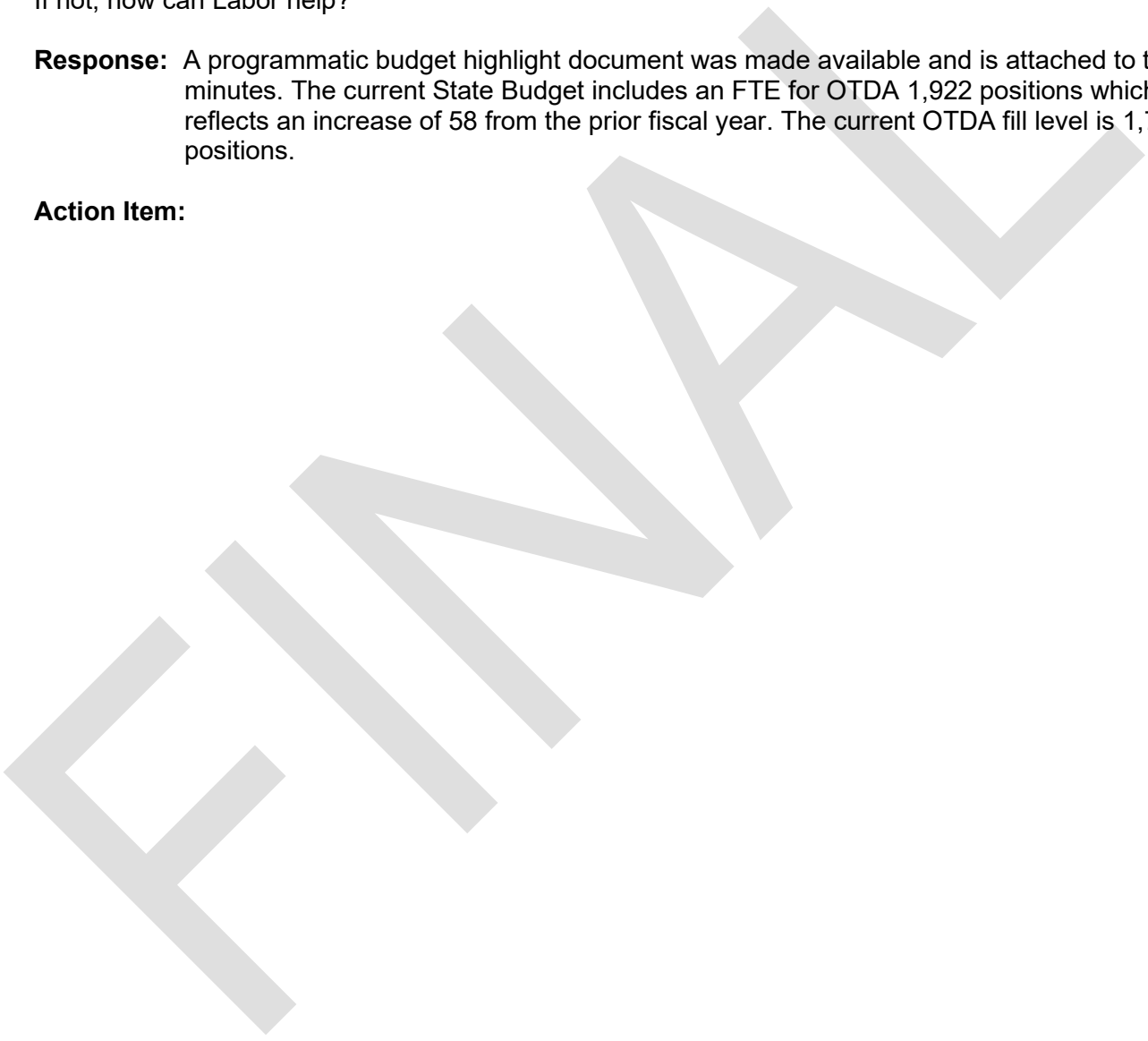
What program areas are impacted?

What is the FTE? Did we meet or exceed them?

If not, how can Labor help?

Response: A programmatic budget highlight document was made available and is attached to the minutes. The current State Budget includes an FTE for OTDA 1,922 positions which reflects an increase of 58 from the prior fiscal year. The current OTDA fill level is 1,775 positions.

Action Item:



13. Agenda Item - NYS Budget - Workforce Bonus Program

New Business Old Business

Description: Part ZZ of the 2022 NYS budget provides for NYS employees who performed "hands on health or care services to individuals" to be considered for a bonus.

As just one example; the functions described are equivalent to those done by OTDA employees who were redeployed during the pandemic to vaccination sites.

Labor requests that the OTDA Commissioner make a request on behalf of its employees for this benefit.

Response: After the May 4, 2022, Labor Management meeting, OTDA revisited the Workforce Bonus Program and confirmed its original conclusion that this program does not apply to volunteer OTDA staff.

Action Item: The Commissioner will review and advise by May 18, 2022. (See above response)

Informational Item

The DDD Deputy Commissioner suggested discussing DDD related issues 1 month prior to the scheduled Statewide Labor Management dates. Labor applauds and agrees to this suggestion!

Next Meeting/Date & Place

Proposed dates for the next OTDA PEF Labor/Management Meeting to be held at 40 North Pearl Street are:

- August 24, 2022
 - August 31, 2022
 - September 7, 2022
 - September 28, 2022
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The following individuals were present at the OTDA PEF Labor/Management Meeting held on May 4, 2022:

Labor

Carl Anderson
Pam August
Sharon DeSilva
Danielle Freeman
Ellen Fuller
Germaine Greco
Mickey Heller
Dianne Herrmann
Jill Poeller
Martin Robinson
Maddie Shannon-Roberts
Scott Staub
Ryan Stoliker

Management

Donnovan Beckford
Kenneth Crannell
Linda Glassman
Barbara Guinn
Mark Longtoe
Jason Moran
Jim Ryan
Eric Schwenzfeier
Sam Spitzberg
Jared Tallman
Daniel Tietz