

# AGENDA

## OTDA PEF Labor Management Meeting

**Date:** August 24, 2022

**Location:** 40 North Pearl Street, 3<sup>rd</sup> Floor Conference Room, Albany, New York

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

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### Introductions

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### Agenda Items

#### 1. Agenda Item – Schedules and Hearing Officers

New Business       Old Business

**Description:** Schedules and Hearing Officers are still over worked, three calendars a week. No end in sight. We would like an update, including answers to:

1. Have the 3/2 calendars helped bring the number of unscheduled cases down? Where are we in numbers now? What were the numbers in November 2020 when the 3/2 started?
2. How many more calendars are actually being done since the 3/2 started? We would like to see the actual numbers.

**Response:** The appellant participation rate under the demonstration project runs nearly 70%. As a result, less hearings are assigned to each calendar while gross heard numbers remain about the same. But for the 3/2 schedule, the backlog of unscheduled hearings would be higher. Pre pandemic OAH averaged 47 calendars per day, today OAH averages 48 calendars per day.

*\*labor does not believe management's response is a complete representation of the workload.\**

**Action Item:** Labor and management will meet within 2 weeks to discuss specific data points, overtime requests, evidence packet and the daily calendar to explore the ALJ's administrative duties.

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## 2. Agenda Item – Purchasing Process for Ergonomic Assessments

New Business       Old Business

**Description:** PEF requests an explanation of the purchasing process for ergonomic assessments. Specifically, sit-stand desks and how they are acquired. It appears that close to 30 individuals at DDD requested sit/stand desks in 2019 and are now being told the only way to obtain this is through a Reasonable Accommodation (RA) process.

Numerous new employees have been given sit-stand desks without an ergonomic assessment or RA in the past.

**Response:** DDD will no longer require any assessment or RA to get sit/stand equipment for staff to be consistent with the rest of OTDA. SSA no longer authorizes 3 monitor sit/stand desks.

**Action Item:**

CONFIDENTIAL

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### 3. Agenda Item – Telecommuting Consecutive Days

New Business       Old Business

**Description:** At the last SWLM meeting Deputy Commissioner Beckford stated DDD employees are able to TW consecutive days if requested.

Buffalo management emailed: Please advise any staff who ask, that despite the apparent change noted in those minutes that the guidelines for TW within DDD have not changed and staff cannot be authorized to TW consecutive days as a regular TW schedule. We are aware of the confusion.

The Processing Center's (PC's) employees were then told they are not able to discuss anything presented at statewide back at the local meeting, despite it appearing to be a local issue requiring resolution.

Albany management has employed the above tactic also.

PEF requests all PC employees be allowed to TW consecutive days per Deputy Commissioner Beckford directive as mentioned above. PEF requests a restatement and clarification of the policy that there can be flexibility in telework schedules, including consecutive days, and that reasonable requests will be approved, unless they clearly conflict with operational needs.

**Response:** The policy remains the same. If someone requests to telecommute consecutive days, and has been denied, they can appeal to the Deputy Commissioner of DDD.

**Action Item:**

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#### 4. Agenda Item – 15 No Case Days

New Business     Old Business

**Description:** PEF would like to see DDD revive a prior policy.

Currently DDD allows for 12 No Case Days (NCD), each year.

There was a time when DDD upped this to 15 (NCD).

It may have gone down to 12 shortly before the pandemic.

PEF would like to see DDD revive the 15 NCD and include the hiring class of January 2022 in this policy.

**Response:** DDD does not believe that a change would serve the operational needs of the agency. There will be several additional no case days as we implement Disability Case Processing System (DCPS).

**Action Item:** The Deputy Commissioner of DDD will look at the DA 2 trainees' receipts of NCD during their probationary time-period.

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## 5. Agenda Item – Reassignment of Field Offices

New Business     Old Business

**Description:** Reassignment of Field Offices (FO) between PC's. What is the current distribution per PC? Please provide a written document for each PC.

**Response:** DDD management reviewed the data regarding field office assignments amongst the PC's and has redistributed the FOs more equitably.

**Action Item:**

FINANCIAL

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## 6. Agenda Item – Case Assignments for PCs

New Business       Old Business

**Description:** PEF is requesting an update on Case Assignments (CA) for PC's. PEF requests equitable distribution in PC's and per analyst.

**Response:** Effective August 1, 2022, each Disability Analyst 2 (DA 2) is assigned 13 cases per week which includes the new cases and reassignments.

**Action Item:**

PEF/DA

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## 7. Agenda Item - Disability Case Processing System (DCPS)

New Business     Old Business

**Description:** Please provide the latest update on the roll-out of DCPS scheduled to begin implementation in September 2022.

**Response:** A newsletter and a schedule will be sent out weekly. If there is no new information, nothing will be sent out.

**Action Item:**

FINANCIAL

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**8. Agenda Item – 5-Year Plan**

New Business     Old Business

**Description:** Does OTDA typically file a 5-year plan with the State Legislature similar to what some other State agencies do?

**Response:** No.

**Action Item:**

FINAL



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## 9. Agenda Item – Examination for Provisional Disability Analyst 2s

New Business       Old Business

**Description:** Pursuant to Rule 4.2b, when will DDD provisional employees, be offered non-competitive examination for Disability Analyst (DA) 2 positions.

Has a request for the exam been made to Civil Service? Is there a tentative date for when the test will be offered?

**Response:** Human Resources submitted a request in May of 2022. Civil Service is working to secure a date in October for the Buffalo and Endicott locations. Buffalo and Endicott are currently the only locations with provisional employees. If provisional appointments are made in additional locations, Human Resources will request those be added for 4.2b examinations.

**Action Item:**

FINAL

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## 10. Agenda Item – Take and Pass the Disability Analyst 2 Examination

New Business     Old Business

**Description:** A provisional appointee will be required to take and pass the next holding of the DA 2 examination to be eligible for permanent appointment. Probation will not be served until the appointment is made permanent.

Has this been clearly explained to the latest provisional hires? When? All Processing Centers (PCs)?

**Response:** Yes, both the actual job posting as well as the appointment letters that DA 2's receive states candidates must take and pass the next holding of the DA 2 examination to be eligible for permanent appointment.

New hires into provisional positions also received appointment letters approximately one month prior to the start date, which stated probation will not be served until the appointment is made permanent.

**Action Item:**

FINAL

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## Informational Items/ Accomplishments

PEF suggests that management support some team building activities in support of Diversity, Equity and inclusion (D.E.I.), and because of staff not coming into the office at the same time, we feel that team building is necessary to keep staff from feeling isolated or left out. PEF is willing to assist on a committee to plan these events.

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## Next Meeting/Date & Place

Proposed dates for the next OTDA PEF Labor/Management Meeting to be held at PEF Headquarters are:

- December 6, 2022
- December 7, 2022
- December 14, 2022
- December 20, 2022

The following individuals were present at the OTDA PEF Labor/Management Meeting held on August 24, 2022:

### **Labor**

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

### **Management**

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