

MEETING MINUTES

OTDA PEF Labor Management Meeting

Date: October 5, 2023

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

Time: 9:00 a.m. – 12:00 p.m.

Introductions

Agenda Items

1. Agenda Item – Administrative Law Judges

New Business Old Business

Description: PEF requests the number of - 1) active and full-time working ALJ's, 2) calendars assigned, 3) cases held, and 4) decisions issued for the months of January & February 2020, January & February 2022, January & February 2023, and August 2023.

Labor believes several ALJs left employment since pre-COVID 2020, and management failed to replace them. We also contend hearings continuously increased, resulting in additional unfair and unhealthy burdens on ALJs and supervisors. Again, we ask for 1:1 hearing.

Response: Following are the data points we discussed today:

<u>Total Hearings Scheduled</u>						
Jan-20	Feb-20	Jan-22	Feb-22	Jan-23	Feb-23	Aug-23
18,341	15,565	11,583	10,972	11,993	11,650	12,133

<u>Total Fair Hearings Held</u>						
Jan-20	Feb-20	Jan-22	Feb-22	Jan-23	Feb-23	Aug-23
5,193	4,343	4,478	3,982	3,952	4,084	4,030

<u>Total Fair Hearing Decisions Issued</u>						
Jan-20	Feb-20	Jan-22	Feb-22	Jan-23	Feb-23	Aug-23
5,435	4,413	4,158	4,285	4,347	4,350	3,981

	<u>Hearing Officer Staffing Levels</u>					
Jan-20	Feb-20	Jan-22	Feb-22	Jan-23	Feb-23	Aug-23
117	112	103	109	109	107	102

Starting October 19, 2023, OAH scheduling will change in two ways. First, hearings will be scheduled hourly instead of AM or PM. Second, all Hearing Officers will be assigned to a 1:1 schedule, with 12 cases on both the morning and afternoon calendars for PA and SNAP. Management will evaluate how the new scheduling regimen impacts operations and report back at the next Labor Management meeting scheduled for January 10, 2024.

Action Item:

DRAFT

2. Agenda Item – Return of Hearing Officers

New Business Old Business

Description: Management mentioned they targeted geographic recruitment for Hearing Officers. How is the targeted approach working? OAH also recruited retirees to return as Hearing Officers to assist with the back log. Are they all returning part time or are some full-time as well? Please provide numbers for the above. How many Hearing Officer positions are we actively recruiting for?

Additionally, can you provide FTE numbers for the Agency?

Response: The targeted geographic recruitment for Hearing Officer's was unsuccessful. However, OAH is revisiting and expanding outreach and using the Hiring for Emergency Limited Placement (HELP) program to identify, recruit and hire. Seven part time retirees have been hired. OAH has authorization to hire twenty-eight new Hearing Officers.

As of September 13, 2023, the total number of OTDA employees is 1,985. The total Full-time Equivalent (FTE) count is 1,851. Hourly employees are not factored into the FTE count.

Action Item: Management will report back on recruitment efforts for Hearing Officers at the next Labor Management meeting scheduled for January 10, 2024.

3. Agenda Item – Contractors – Including IT Employees

New Business Old Business

Description: Contractors: including IT employees.

PEF requests a total number of contractors currently working longer than one year for OTDA broken down by program area.

Response:

Employment and Income Support Programs	12
Training and Staff Development	11
Division of Disability Determinations	9
Child Support Services	6

Action Item:

4. Agenda Item – HELP Program Update

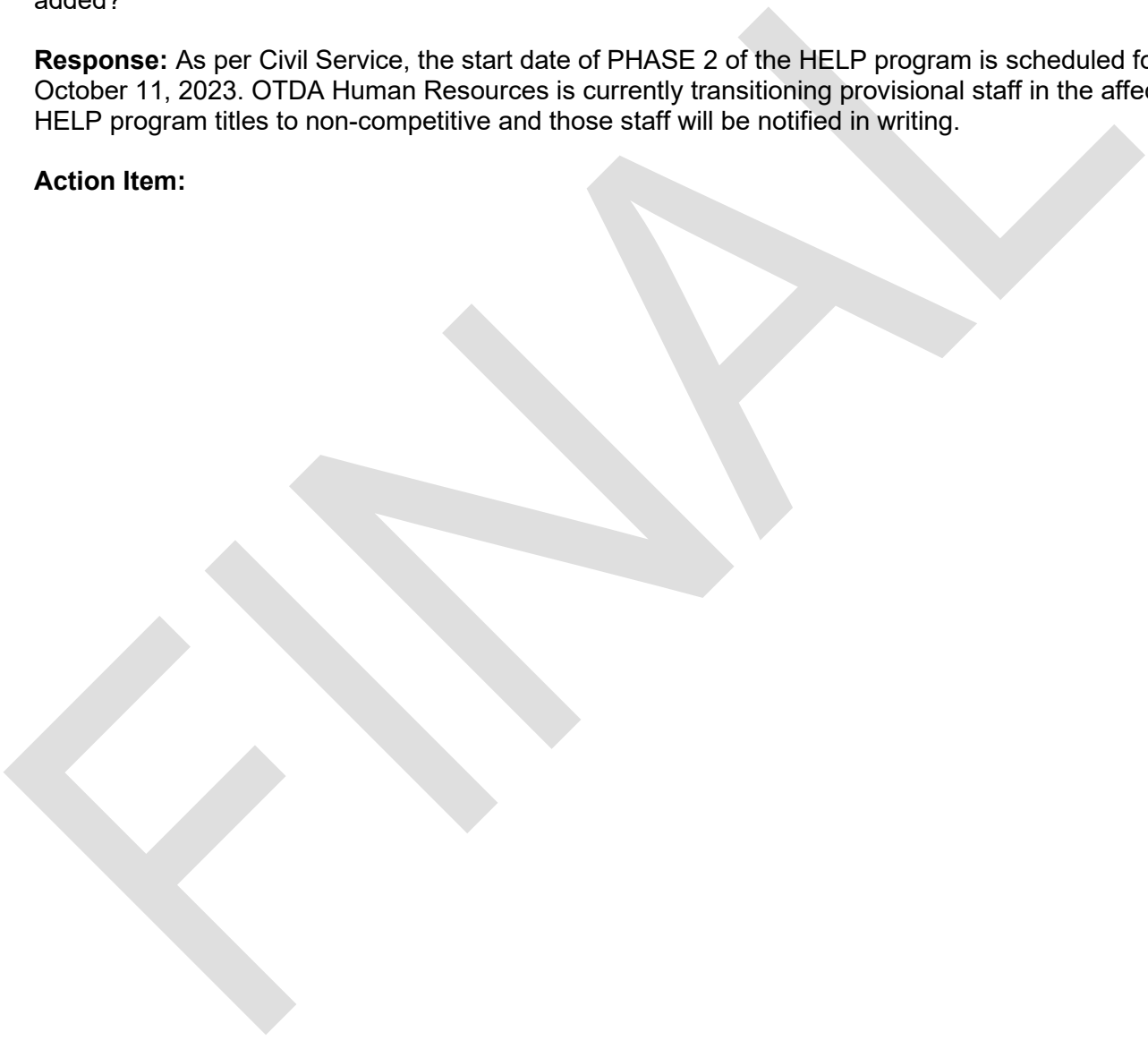
New Business Old Business

Description: Additions of the OTDA titles were approved by Civil Service for: Disability Analyst 2 (including Spanish Speaking) Hearing Officer and Fair Hearings Specialist I (including Spanish Speaking).

Has there been any update to these titles being officially added to begin those that have already been hired provisionally and awaiting additional information regarding this program? Any other HELP titles added?

Response: As per Civil Service, the start date of PHASE 2 of the HELP program is scheduled for October 11, 2023. OTDA Human Resources is currently transitioning provisional staff in the affected HELP program titles to non-competitive and those staff will be notified in writing.

Action Item:



5. Agenda Item – Provisional Time Counting Towards Probationary Service

New Business Old Business

Description: With the new legislation from Governor Hochul on the provisional time counting towards probationary service...are their updates regarding the full policy and implementation from Civil Service?

How does this affect the current provisional titles within OTDA?

Response: Management cannot comment at this time as we are awaiting further guidance from Civil Service.

Action Item:

FINAL

6. Agenda Item – Employee Diversity Plan

New Business Old Business

Description: Checking on the status of the plan which was under development with the Civil Service Office of Diversity and Inclusion.

Any update or news on when the plan will be available? Any talk of restoring the Diversity Committee within the Agency?

Response: OTDA received the approval for the strategic plan from Civil Service in the summer of 2023 and many aspects of the plan are already in motion. The strategic plan outlines the establishment of the DEI advisory committee, which will be comprised of staff across the agency from all levels.

Action Item: DEI office will be posting the DEI strategic plan on the intranet for all staff to view. The operation guidelines for the DEI committee are currently being finalized.

7. Agenda Item – Restoration of Accruals

New Business Old Business

Description: What is the status of restoring accruals that Buffalo employees used on December 23, 2022, while the County was in a State of Emergency?

Response: OTDA Human Resources has followed up with Civil Service. A request has been made to add this item to the November Civil Service calendar.

Action Item:

EMERGENCY

8. Agenda Item – Update to the Telecommuting Policy

New Business Old Business

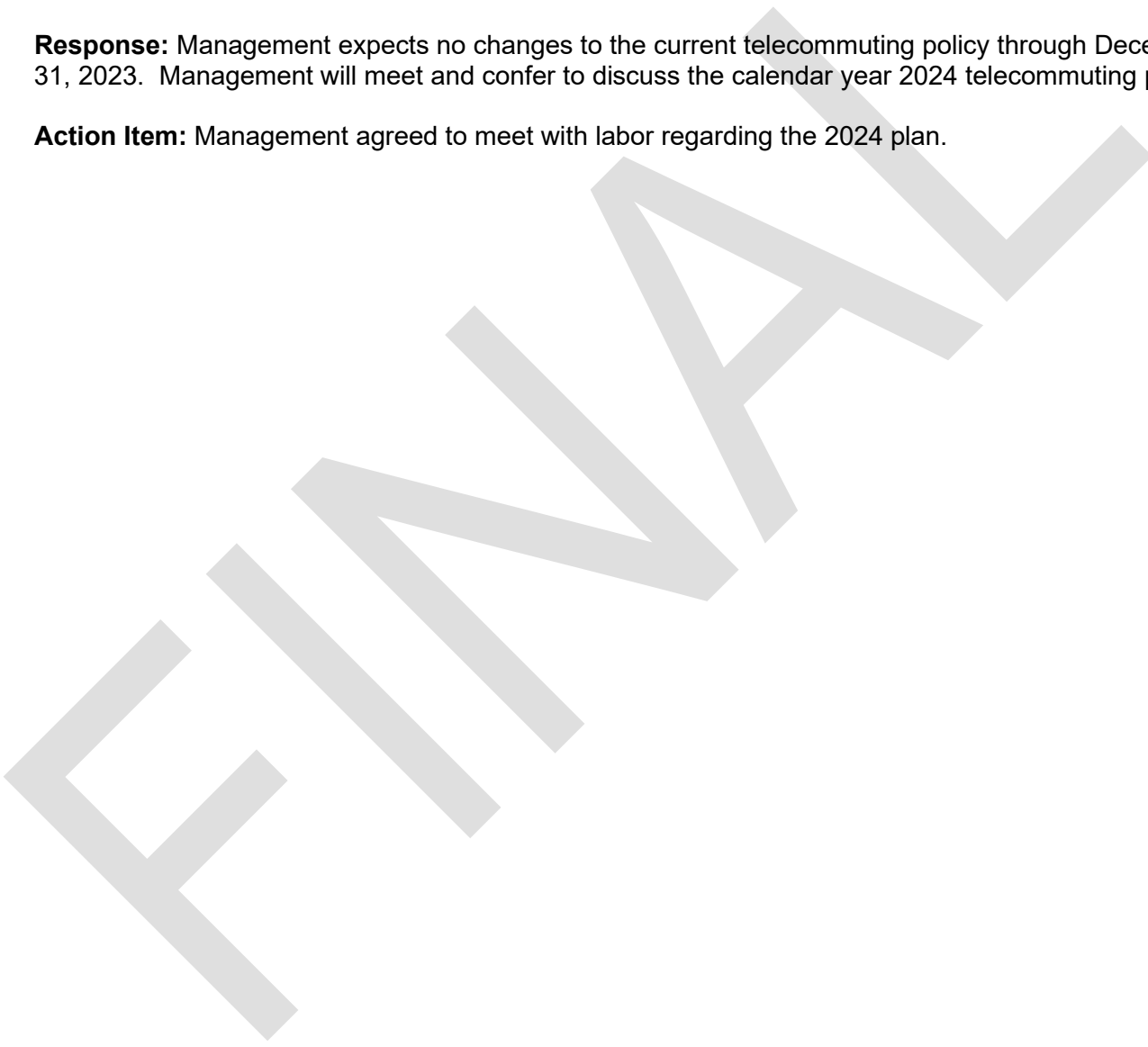
Description: Does management foresee us telecommuting 5 days per pay period through the end of the year?

Any changes coming that we should know about?

PEF requests to meet and confer on the Telecommuting Policy for next year.

Response: Management expects no changes to the current telecommuting policy through December 31, 2023. Management will meet and confer to discuss the calendar year 2024 telecommuting policy.

Action Item: Management agreed to meet with labor regarding the 2024 plan.



9. Agenda Item – EISP SNAP Employees Meeting Clients in the Lobby

New Business Old Business

Description: EISP - SNAP employees were directed to meet with clients in the lobby. Some feel uncomfortable, because of possible negative interactions that may lead to health and safety concerns. The same members feel that non-compliance can lead to insubordination. Members were advised that this directive came from upper management.

Since employees can't help clients by talking to them (they don't have any case info), PEF requests implementation of a phone line in the lobby, which will allow employees to review client information and provide needed and better responses.

Response: Management is researching installing a dedicated phone in the 40 North Pearl lobby for walk-in visitors to contact program areas directly. Additionally, the security guards will be provided with contact information that can be shared with walk-in visitors. If a situation requires in-person unscheduled interaction with appropriate staff, they should not go unaccompanied to the lobby.

Action Item: Management will review security protocols at other OTDA offices and report back.

10. Agenda Item – Disability Review Psychologists Effective Date and Retro Pay

New Business Old Business

Description: Other NYS Psychologists received pay increases around 7/22. We appreciate the effort of OTDA management to bring our Disability Review Psychologists (DRPs) in line with the salary differentials. We understand other agencies have been approved back to 7/22. Do you know the timeline for the pay differential approved for our Disability Review Psychologists? Labor's understanding is a retroactive effective date has not been approved, please explain why?

Response: OTDA received approval from the Social Security Administration in April of 2023 to advance a request for a statewide Geographic Pay Differential and increased Hiring Rate to Step 7 (Job Rate) retroactive to October of 2022. Human Resources submitted the request to Civil Service for approval in April of 2023 requesting an October 27, 2022, effective date. Civil Service approved the requests in April of 2023 and sent to the Division of Budget (DOB) for review. DOB approved the requests on August 21, 2023, with an effective date of August 17, 2023. OTDA's budget office inquired on why the request did not go retroactive to October 27, 2022, as requested. DOB indicated they only approve retroactive increases in extraordinary circumstances and the decision with an effective date of August 17, 2023, is final.

Action Item:

Informational Items/ Accomplishments

- Labor would like to acknowledge Acting Commissioner Barbara Guinn in her new role in OTDA.
- PEF has been strongly advocating for New York State to modernize the Civil Service pay structure. At PEF's urging, the executive budget included \$2.2 million to develop a job evaluation system to review the statewide civil service title structure to ensure that they meet the needs of employers, align with the current job market, consider title pay equity, and level the playing field with the private sector.
- At the time of submitting this agenda, September 20, 2023, the August 3, 2023, DDD Statewide Minutes have not been posted to the intranet – **UPDATE:** The Minutes have been posted on September 29, 2023.

The following individuals were present at the OTDA PEF Labor/Management Meeting held on October 5, 2023:

Labor:

Carl Anderson
Leslie Apacible
Pam August
Sharon DeSilva
Danielle Freeman
Germaine Greco
Mickey Heller (WebEx)
Diane Herrmann
Peter Maurer
Jill Poeller
Joyel Richardson (WebEx)
Scott Staub
Ryan Stoliker

Management:

Donnovan Beckford
Barbara Guinn
Jim Ryan
Eric Schwenzfeier
Kadijah Singleton
Sam Spitzberg
Jared Tallman
Felicia Valle-Job
Kenneth Wells-Crannell

Next Meeting/Date & Place

OTDA, 40 North Pearl Street, Albany, NY

- January 10, 2024