

STATEWIDE PEF – DOL LM

February 7, 2024

1-3pm

PEF -planned attendees	MANAGEMENT – planned attendees
Scarlett Ahmed, PEF Exec. Board, LM Co-chair	Suzanne Piccirillo, Co-chair
Bill Clingersmith, PEF Exec. Board.	Jane Thompson
Kevin Jones, PEF Exec. Board	Stephen Geskey
Robert Wright – PEF Field Representative	Lars Thompson
Danielle Freeman – PEF assistant	Christopher White
Christine Werns, PEF steward, Division 202	Vicki Mockler
Bernadette O'Connor, PEF Region 11 Coordinator	Leigh Brown
	Kristen Symonds
	Karen Ronca
	Paul Milanovich
	Maria Kane
	Patty Cahill

I. Welcome/Introductions (Roll Call)

II. Approve prior minutes- from 10/14/23 meeting.

PEF: Since minutes were received somewhat late, PEF will review them after today's meeting and forward to Mgt when approved.

PEF requests receipt of minutes within two weeks after LM meetings.

Mgt: Agrees but requests that parties take turns taking minutes.

PEF: Agrees and will take minutes for this meeting.

III. Division of Employment and Workforce Solutions (DEWS)

A. General Division Update

Mgt: Yesterday, there was an all-staff DEWS meeting. We talked about things we are proud of and things for 2024. Trying to get out to Centers. Context for why we do what we are doing. Where they fit in/the big picture. We talked through this at the meeting. I gushed about the monumental change and how good we are at pivoting and helping lots of people. The number of customers that we serve typically is 500k total, 200-250k in person. But total last year was in total over 1 million people. This speaks to our staff. Connecting people to tools. Truly impressive. We will spend time with folks. Will do more visiting and pulling small groups together for a candid conversation. I love performance evaluations but things should be addressed sooner. So the visits have been eye-opening. We can react in more real time. We are listening, we want to fix things, encourage members to attend/speak up. It's been a real banner year.

1) PEF requests update on Virtual Career Center for Businesses

MGT: The Virtual Career Center is fully executed. First leg was for job seekers, second was for employment counselors/case managers, third was for businesses. The human touch that we provide is still important. 105k are using it on the customer side, on the business side it's nearing 500k. 600k job views. It's an AI based technology rooted in reality. Not just computer algorithm. Last year we had our

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first state Workforce Investment Board (WIB) meeting. During the meeting we demonstrated the biz business side of VCC. Many were excited and “wanted in” after the meeting.

**2) PEF suggests a Sr EC to oversee ECs in Rapid Response statewide. (Bill Clingersmith)**

PEF: Could we have Sr. Employment Counselor in that unit? SLRS don't necessarily understand EC work.

MGT: Expressed they would like to hear more about this, currently central office provides this support. Will and discuss considering a statewide Sr. Employment Counselor for Rapid Response.

**3) PEF requests the most recently approved RESEA grant proposal (Scarlett Ahmed).**

MGT: Agreed. Done. Transparency is important. It can help us celebrate our successes. Within a couple weeks we will get a copy of the RESEA grant to you.

**4) PEF requests a discussion on RESEA related concerns.**

MGT: Should we have an offline discussion?

PEF: There were already local labor-management meetings where concerns were shared but management stated that they should be addressed at the statewide labor-management level. Among the concerns: Safety issues relating to frustrated UI customers, understaffing, excessive multitasking, UI tasks interfering with RESEA work, and the lack of clerical staff.

MGT: The number of scheduled in-person RESEA customers is pretty flat, other self-services increased, support for these services is definitely a consideration. Management is working hard to be cognizant of times and workload. We are pushing for employees working on the Asylum Seeker project to be eligible for OT. It's on the table. We are trying to fill positions, including clerical positions. Last year 350 positions were filled or added to our request to the state. Our friends at UI understand that DEWS gets a lot of traffic because of all the issues. They are being pro-active. We are monitoring spikes in UI issues at DEWS and addressing them.

PEF: We agree to offline conversation to go more into depth on the concerns of Career Center staff.

Mgt: Will set up an offline conversation. PEF requests an update on the Asylum Seeker project.

MGT: Rewarding but challenging work. Working with USDOL and state leadership, FEMA, the White House to really get a hold on who we serve, how we serve them, and where we fit into the puzzle. A job is just one piece. Housing, filling out paperwork. What can we do before/after work authorization? USDOL has pushed us to make sure we are serving those who are work eligible. We are pushing for OT to alleviate some of the pressure on the staff. The asylum seekers are across the state. Feds are clear to us on how the funds can be used. No job referrals can be given until work authorization. We applaud our team. They've stepped up.

PEF: Will there be a crush of RESEA appts to “catch up” at the end of the year since ASP is such an important priority now?

MGT: We are still very committed to the RESEA appts. Asylum seekers are still a small percentage of the work we are doing. We are monitoring because we share the same concern. Under 10% of our customers are asylum seekers. It's good that we have OT available.

**5) PEF requests update on “Jails to Justice” and our demand to bargain regarding assigning DOL employment counselors to a DOCCs program.**

MGT: That discussion is now at a higher level between PEF headquarters and NYS Office of Employee Relations.

Robert Wright is working with parties.

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**B. Staffing update.**

**1) PEF: Were Batavia hourly positions canvassed/posted as permanent items first?**

MGT: Four rounds of recruitment, posted as both perm and hourly.

PEF: I didn't remember seeing it posted as permanent.

MGT: It was. The NY HELPS will impact the hiring process. It will be our priority.

PEF: Will the hourlies have the opportunity to be perm?

MGT: We will discuss further down the agenda.

PEF: How many open LVER/DVOP positions are there throughout the state?

MGT: 7 DVOP and 5 LVER positions to be filled.

**IV. Unemployment Insurance**

**A. Division Update**

**B. Update on UI modernization**

**1) PEF requests discussion of potential impact from UI staffing on Career Centers.**

MGT: By now, in 2024, it's clear that customers want speedier service. We are trying as hard as we can with the tools that we have to increase speed of communication. We are expanding more offerings on the phone system. Enhancing chat feature, natural language interactions. More information specific to these customers. Trying to prevent people from going to the DEWS Career Centers for UI navigation assistance is a challenge. They have the right to go. We engage with DEWS to make sure customers are getting the right service. We are trying to build on what we have available with phone/web.

Focusing on getting through UI Modernization to help staff and customers. We are entering into User Acceptance Testing – second round. That means staff is running test scripts – sets of data going through. Tracking defects. We are testing everything obviously. Subject matter experts involved. This is basically the final phase, through spring. We need to fix things now before full launch. Then we will have end user training. Manuals, online trainings.

PEF: Thank you for acknowledging that UI issues drive traffic to DEWS centers.

MGT: We have multi-factor authentication and that is not going away. Due to fraud, there are some things that have to be confirmed over the phone. We want an accessible system, but we went through so much, with a system that's 40 years old.

**2) PEF requests discussion of case/hour standard(s) enforcement in UI (Kevin Jones)**

PEF: Old cases are easier, but once passed them, it may be hard to keep one case per hour standard.

MGT: We've heard the opposite. That old cases are harder and new cases easier. There have been historical standards but we are doing things on averages. Folks are well above 1 case per hour on average. If things are not being communicated down the line right then will work to do better. This is about giving staff the right tools to succeed with ensuring consistent customer service, staff that are well below their peers are being asked what can be done to help them improve..

**3) PEF: Requests discussion on potential discipline for not attending training (Kevin Jones)**

PEF: There are many mandatory requirements for training, but this time is not accounted for.

MGT: We will look at this. Please share with us specific examples of staff not being given time for training. Lots of reminders go out, including posts on DOLi. Lots of messaging, these are mandated trainings, they are not optional, deadlines are put in place to ensure agency compliance with requirements.

PEF: In UI they don't give time for training. We'd like them removed from having to complete 1 case/hour when in training.

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MGT: Supervisors and employees should work together to set up training time. There is a LATS training code.

PEF: Staff are also considered about being micromanaged. There are too many layers of approval need just for a day off request.

MGT: I'm trying to empower staff to do more locally. We want a work life balance. I'll take a look at any specific examples of this.

- 4) PEF requests discussion on potential for funding/staffing impact as a result of 597.3 state labor law. (Kevin Jones)

PEF: Will this have an impact on us? Will we fail BTQ?

MGT: Not sure we are together on this. They should not be adjudicated because of that section of the law. We got from FEDs that old cases be handled a certain way and should not be adjudicated at this point. I want to make sure that LSRs have the tools they need. The law has been around for fifteen years, working to empower LSRs to address with their supervisor if the case falls within this law and should not be adjudicated. We are trying to socialize that old cases should not be BTQ. Section 597.3 case – those over a year old are not adjudicated unless willful or not paid – will not be included in Federal BTQ review.

- 5) PEF Requests discussion on the impact of the UI Quick Fact-Finding procedure on appeal hearings and discussion on case analysis for UI qualification (Kevin Jones)

PEF: Will this send a lot more cases with UIAB? More work?

MGT: We are doing the best we can. We are aware that more determinations mean an increase in UI Appeals Board hearings. Could there be further jam ups? We are not seeing that. This is not something that is quick. Criteria is reviewed. Not just done out of thin air. We are monitoring the numbers closely.

PEF: Is 50% of backlog over a year old?

MGT: Those requiring adjudication? No. We are at around 26K cases for adjudication.

V. Research and Statistics

A. Division Update

MGT: No new projects to report on. End of last year – one promotion, one new hire.

VI. UI Appeal Board

A. Division Update

- 1) PEF requests an update on staffing.

MGT: 100 employees. 80 are PEF. 3 ALJs starting on Feb. 1 Buffalo, 2 Brooklyn. 1 soon in Hauppauge. Another 10-12 vacancies are posted. NY HELPS expands eligibility – we hope it speeds up hiring.

- 2) PEF requests update on legal specialties exam.

MGT: Results came out last fall. But with NY HELPS we can pull from list or from HELPS applicants.

- 3) PEF requests update on the UI hearing platform.

MGT: March 4<sup>th</sup> will be the first roll-out. ITS and contractors worked on it in January. We want more time for training. Admins need to help troubleshoot. Feb 1<sup>st</sup> – announced to stakeholders. There will be demo on the website. We are using Webex through Cisco. Cloverhound is the vendor that will manage the dashboard – they also handle DMV and WC.

VII. Worker Protection

MGT: No representative from Worker Protection was available to attend today's meeting. We will provide an update by email, along with answers to PEF's questions.

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- PEF: Will DIPA assist asylum seekers in any way or is the focus still with agricultural workers? DIPA has a new name: Division of Compliance and Education (DOCE). DOCE staff have been assisting DEWS (in NYC) by providing asylum seekers with information. We are currently working on developing a plan to provide Know Your Rights information to asylum seekers statewide.
- PEF requests a discussion of the Civil Service Initiative for recruitment and retention, including an update on DOL's efforts in reviewing WP titles and the work of the Worker Protection staffing committee. The status on the civil service audit is better addressed by Personnel. Regarding WP and requests for additional items: Executive Staff, along with Division leadership, are conducting 3–4-day work groups (we call them “think tanks” to review work streams, data on case management, and resources needed for staff. we have conducted “think tanks” for PESH, DIPA/DOCE, and Labor Standards. As a result, we are re-organizing how we do our work to reduce inefficiencies, moving staff as necessary to address workloads and requesting additional items as needed.
- PEF: How many Industrial Hygienist vacancies are there throughout the state, by region? We are currently looking to hire IH staff and have requested additional items from Civil Service.
- PEF: What is the status of the HERO Program? If ending, what will happen to those workers? HERO has also gone through a name change. They are now Safety Health Essential Rights (SHER). Some of the staff from this unit have been moved into PESH. The remaining staff will continue to focus on compliance with the HERO regulations and construction fatality. SHER will go through the “think tank” process in April 2024.

10 appointments made so far this year, including 1 promotion:

3 in DOSH

4 in OSI

2 in Labor Standards

1 in Public Works

VIII. Division of Administration and Finance –

A. Division Update

1) List of lease expiration dates

a) PEF: Requests Upper Manhattan Career Center renovation update

MGT: Renovations going well. Connecting into the building HVAC system which is good. Better than our own, which caused programs. HVAC stuff didn't fit. Contractors needed to do new sketches – causing a month's delay. We are about 85% complete. Most incompletes relate to mechanics about ceiling. New carpet, new tile, new modular mostly installed, modular wall surfaces (soft inside, hard outside), modular units being electrified, running data for workstations. Feb 29<sup>th</sup> – expected completion date, staff will move in March 5<sup>th</sup>. My walk-through suggested that they will indeed need all 29 days in

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February. There are multiple trades in the space. They believe they are on target for the end of the month.

PEF: We'd like a walk-through.

MGT: We want the ceiling closed up first. Maybe the week of Feb. 26<sup>th</sup>. We can schedule a walk-through after that at the Upper Manhattan Career Center.

PEF: How are the repairs going on the Fourth floor of Building 12?

MGT: Contractors came in, we found another issue. They didn't not have enough material but main escalator area issue is resolved, so they say. OGS technicians replaced some small ceiling tiles. Our technicians replaced larger tiles. We will assume leak is resolved and will remove plastic and open area. No asbestos found.

PEF: We'd like a walkthrough of Bldg. 12.

MGT: A joint walk-through may be happening at Building 12.

**2) Federal – update on budget/shutdown**

MGT: Feds extended to March 8<sup>th</sup>. No indication that they won't extend again. We have enough funding for a short-term shutdown.

**3) State update**

MGT: All the funds we requested we got. No change in our fill level. Some reductions in federal programs but increase in \$25 million for DOL/NY Power Authority for green energy workforce, mostly for training former fossil fuel workers.

**4) UI Trust Fund Status**

MGT. \$7.2 billion still due with interest. Loan to be paid 2027 (calendar year).

**5) Excel Spreadsheet showing all current PS&T members at DOL.**

**a) Current Staffing by Division, including hourlies.**

**b) Monthly Position Allocation vs. Spending by Division, including if applicable:**

PEF: Question about time for expressing breast milk – there is a new law for breaks up to 20 minutes.

MGT: Typically public employees are covered by laws such as this as well.

PEF: Almost 400 contract employees, to be reduced to 294? Is this the case? It's on the executive budget analysis, an analysis PEF did.

MGT: Send us this info.

PEF: Field Representative Robert Wright will send PEF's analysis of contract staffing under the executive budget to Karen Ronco

**B. Personnel-**

**1) Unit update.**

**C. Management: Discussion of NY HELPS program.**

MGT: Under NY HELPS, candidates, effective immediately, can be flipped to non-competitive then in 2025 made permanent. These are all non-promotional titles. We've taken quick steps to get going. Assessing hiring priorities to make as many appointments as possible. We will look first at the hourlies. The current hourlies – we will try to get them into the NY HELPS non-perm items. They will need to fill out the paperwork, including updated applications.

PEF: If you appoint an hourly, will they serve a probationary period?

MGT: Yes, some kind of minimum probation. We will assess.

PEF: How about "Advanced Placement"?

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MGT: We will do salary calculations case by case. Generally hourly service “counts.”

PEF: So it flips to competitive in 2025?

MGT: First non-competitive, then competitive in 2025. Will be automatically converted. Will have to assess as we go through – regarding negative evaluations. They would be going into regular salary schedule, including location pay.

PEF: Concerned about lists not being prioritized. Worried about the rule of three being dismissed.

MGT: We will continue to canvass those on list, and transfer applicants, but now we can also look at NY HELPS candidates. We will look at what is most advantageous for the candidate. If they did not get a reachable mark, they may still get hired through NY HELPS. Sort of like being grandfathered in.

PEF: How is this fair to those who took a test, and may have paid for a test? Non-tested individuals can bypass them.

MGT: This was probably brought to civil service as a concern. But it is a good appointment mechanism in addition to the others.

PEF: We are happy for the hourly employees who may benefit, but we are concerned that not upgrading paygrades will hold back staffing levels. We are also concerned about abandoning the merit and fitness system PEF t worked hard to restrict promotional titles from NY HELPS. Is the Business Systems Analyst 2 considered promotional?

MGT: We have a list for that, we will break down that list before looking at NY HELPS. It can be both open competitive or promotional.

**D.** PEF: Requests an update on hiring from LSR T&E exam.

MGT: We are down to 90 on the list in Albany. But our plan is to reach out to all the eligible hourly candidates.

**E.** PEF: Any plans for new titles, reclassification or earmarking of existing titles, redefining job descriptions/duties, or other changes to a title?

MGT: No plans for earmarks. We are looking at vacancy levels and will reclassify to staff up as needed. We have a lot of information to review. We anticipate creation of new titles down the road.

**F.** PEF: Requests an update on Boiler Inspector reclassification.

MGT: It's an ongoing conversation. We have not made the next step on that. Civil service looked at some other titles here. We are keeping Boiler Inspector on our list. When we meet with program areas, that is a title on our list for discussion. The Boiler Inspector reclassification is part of an ongoing conversation.

PEF: We'd like this group sped along.

MGT: Noted.

**IX. Old Business**

**A.** PEF requests a discussion on and release time for DOL outing organizers.

MGT: This is something we've discussed internally. Mgt is open to reasonable time to some individuals/coordinates for set up/travel. Those limited individuals would still need to request the time through their supervisors for operational approval, once approved the request should be forwarded to Employee Relations for consideration.

PEF: Ok, this is reasonable.

**B.** PEF requests a discussion of the “EOL request” form.

MGT: We incorporated most of your feedback into changes posted. In executive review.

PEF: Thank you. Is there a limit on how far out we can request EOL? We've been told 30 days.

MGT: It's difficult for local managers to know about operational needs so far ahead of time.

PEF: For some things we need advance approval. E-board, convention – for hotel reservations, etc.

MGT: Please note special needs in the request.

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PEF: So HS/LM is limited to 30 days or less notice, but other stuff involving travel can be more liberal?

MGT: Just give us the relevant info with each EOL request.

**C. PEF requests a discussion of on-camera counseling.**

PEF: Hartnett memo in the state contract requires face to face contact during counseling.

MGT: Our interpretation is that on-camera “virtual” counseling is face to face.

PEF: It will be adjudicated. It has to be mutual. It should not be forced.

MGT: Not clear on PEF’s position? You want more telecommuting, so why no on-camera counseling?

PEF: We will have a longer talk. Yes, our members are eager to telecommute. We can discuss on-camera counseling in a separate conversation.

**D. Update on local LM vs. regional LM meetings, impacting PEF Divisions 281 and 359**

MGT: We’ve agreed to two local Labor-Management meetings per year for each division, the minimum required under the contract. They can have four local Health and Safety meetings a year.

PEF: The impacted Council Leaders object to this because past practice was four meetings per year and they do not want to set a precedent of agreeing to fewer meetings. But apparently Dan Manning, PEF Field Rep, says they did agree. We will have to circle back to the Council Leaders of Divisions 281 and 359 and their local PEF Field Representatives

PEF: There is a similar concern with the Hudson Valley PEF Divisions 286 and 410.

MGT: We will be in touch with the Hudson Valley PEF leaders.

**X. New Business**

**A. PEF: Requests an EAP update.**

MGT: We are committed to fill the positions, actively recruiting in all areas with a vacancy. Local EAP committees have not convened to interview candidates yet. We will circle back if we need PEF designees for local EAP committees.

**B. PEF: Requests a discussion of telecommuting, per the CBA.**

PEF: We sent a letter with concerns from FOTA staff. They feel they can telecommute. Where did the letter go that staff wrote to management?

MGT: We sent it up division leadership. Staff should go through chain of command.

PEF: Who is this division leadership? There is high turnover, challenges to hiring/retaining staff.

MGT: We will make sure the letter goes to Chris White.

PEF: It costs more to telecommute from the office than to work from home. We need a serious conversation. Lots of folks in FOTA feel that they can do their work remotely. Why not more telecommuting? Staff in other units are leaving due to lack of expanded telecommuting.

MGT: We will drill down more and circle back. Most employees make it clear that this is important, but there is more nuance to it. When we talk about this issue, maybe there are other things we need to put on the table to discuss, circumstances that should be addressed. Some people like in-person more than remote-work. We support meeting the needs of the modern worker and this is a good conversation to have.. This is a meta, big society conversation. There may be a happy middle ground.

PEF to look at setting up meet and confer when telecommuting policy is due for review.

**XI. Confirm Proposed dates/times for 2024 LM meetings and agenda building meetings.**

LM meeting dates/times: 05/08/24

08/07/24

11/13/24

All from 1pm to 3pm

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PEF Prep meetings: 04/17/24 (reschedule to 04/19 in a follow up meeting), 07/17/24, and  
10/30/24  
All from 10am to 1pm.

HANDOUTS

Budget Section:

1. Federal, State Budget, UI Trust Fund Status Update
2. Monthly Summary Position Allocation & Spending by Major Division
3. PEF Count of Employees by Division
4. PEF Permanent and Hourly Employees
5. Summary on Leases

UI Section:

6. Initial Claims