

**PEF DOL Statewide Labor Management Chat
August 10, 2021
Minutes**

PEF	MANAGEMENT
Scarlett Ahmed – co-chair	Geoff von Bieberstein – co-chair
Robert Wright	Ed Vargas – Senior Advisor to the Commissioner
Geraldine Stella	Mark Cutturini
Cathy Okenica	Tracie Covey
	Rebecca Secor
	Sherri Raponi

A. Introductions

B. Review of previous minutes – The minutes were approved and later posted to the intranet

C. PEF Requests discussion regarding telecommuting – PEF states employees are stressed and are generally confused about the policy and want to know why telecommuting can't be more generous. PEF states employees aren't understanding why certain offices and titles are not entitled to telecommute and don't feel it's consistent across the state. Management states 75% of staff are participating in telecommuting. Some employees believe they should be able to telecommute more days per week than the supervisors believe is appropriate. Management states they are willing to discuss individual situations on a case by case basis. PEF's advocates for telecommuting more days a week due to the next wave of the pandemic and the Delta Variant. They're also concerned because there is no protocol for knowing if staff has been vaccinated. PEF states that DOL should set the standard when it comes to telecommuting and allow staff to telecommute more if they are able to be productive at home. Management states there is no rule that staff can only telecommute two days a week and there are PEF members who are approved for more than that. The division structure makes the call on what is appropriate. Management states removing a contractual limitation does not create an employee entitlement. PEF emphasizes that this is all in regard to the dangers of COVID, the new variant and due to public health concerns employees should be allowed more telecommuting days when production has been successful when staff are working from home. Management states they are clear on PEF's position on this.

D. PEF Requests discussion regarding UIAB "quotas"/lack of writing days – Tracie Covey (UIAB) states that there are no "quotas" but there is a performance evaluation program in which judges are expected to close or adjourn 20-27 hearing per week. This has been the standard for over at least a decade. Writing days have never been a statewide practice. It happened in Brooklyn and Long Island temporarily. The default rate has been over 30% which means if you have 20 cases scheduled only 14 will go through. That gives Judges plenty of time to write decisions without taking a full day off the calendar. In instances where a judge is having issues getting the work completed, the senior ALJ will shift cases so that they can get the work done and issue decisions in

the five-day window that they need to go out. PEF states due to COVID Judges should be able to have two writing days remote to reduce the risk of infection. UIAB management indicated that having one remote day a week would cut down on case load and the Judges would no longer be meeting the standard. Ms. Covey she has expressed her reasons previously as to why telecommuting is not something that Judges can do, due to lack of technology. Managements position on this is that due to the high default rate, Judges have plenty of time to write decisions which is why they don't need a specific writing day.

E. PEF requests discussion regarding returning to the office (H&S protocols)

1. **Social distancing/mask use** – Management states that we are currently operating under the revised guidance for state agencies and authorities during the COVID 19 public health emergency document. DOL has recently checked with GOER regarding any upcoming policy changes and they indicated they were reviewing CDC recommendations and they would let agencies know as soon there were any changes. Employees can utilize masks regardless of vaccination status. Employees should ask management if they need a mask. PEF states members are reporting lack of PPE but did not provide a specific location where this was occurring Management states they will remind managers where and how to reorder PPE to ensure it remains available.
2. **Mandatory vaccines/testing** – There was some discussion of this in the media but DOL has not received any implementation on this yet. Management indicates when they receive guidance, they will let all staff know.
3. ***PEF ADDED DISCUSSION REGARDING BUILDING FILTRATION*** - PEF requests information on building filtration be posted in each building. Having this information will provide information for members. Management will advance this request up the chain of command. PEF requests the air exchange rates also.

F. PEF requests discussion regarding the TCC technology – PEF states the TCC's are currently switching to laptops however the laptops do not currently work with the access system. Employees are receiving these laptops and then are no longer working from home and are required to come in to do their job. PEF requests that these laptops are put on hold until the technology needed to work from home is corrected. PEF states members have tried to temporarily correct this by emailing their work, but some employees are unable to do this, and it ends up creating more work due to having to update things when you return to the office. Management recognizes that there is a technological limitation currently and are willing to speak with the staff responsible for the laptop rollout to see if there is a solution to this issue beside the work around that UI has been utilizing PEF was asked to provide more suggestions for discussion with Glendale TCC and UI management, but also advised Management was working through the situation with ITS.

G. Set next meeting – pre-meeting on November 9th at 10:00 a.m./meeting on November 18th at 10:00 a.m.