

STATEWIDE PEF – DOL Labor Management
August 24, 2022
10:00 a.m. via Microsoft Teams
Minutes

PEF	MANAGEMENT
Bill Clingersmith – acting co-chair	Mark Cutturini – co-chair
Cathy Okenica	Karen Ronca
Robert Wright, PEF Staff	Kristen Symonds
Danielle Freeman, PEF Staff	Lucas Smock
Matt Brennan, Council Leader #264	Victoria Gray
	Suzanne Piccirillo
	Patty Cahill

1. Welcome/Introductions

2. Approved minutes from 03/23/2022 meeting to be posted to the Intranet.

3. Budget – Karen Ronca

A. Federal

1) Update on budget and DOL funding

Federal grants applications have been submitted for the upcoming fiscal year. The majority will be funded at the same level.

Typically, at this point in the calendar year, DOL would have an estimate of the amount of UI funding that will be provided for the upcoming year. Since the pandemic, US DOL has been slower to release the information. The fiscal year starts October 1st, and DOL anticipates the base funding will be approximately the same. Typically, if there is a decrease, it is less than 5% and DOL is able to maintain staffing at that level.

DOL was informed in July the contingency earnings rate will be 55% (55 cents on the dollar). Contingency earnings are the funds provided in addition to the base rate, for workloads accomplished. DOL was anticipating the rate to be 75-100%. DOL will be able to maintain staff levels for now. The belief is the funding is shifting to other areas of need by the Federal administration.

B. State

See attachment 1

C. UI Trust Fund Status

See attachment 1

D. Monthly Position Allocation vs. Spending by Division, including if applicable:

See attachment labeled SCH 3D

- 1) Change in FTEs
- 2) Planned fills and promotions

E. Current Staffing by Division – Kristen Symonds

See attachment 3E

1) Provide any information on attrition plans

2) Count of employees by division permanent/hourly (in separate columns) - with current units/locations.

Current DOL staffing: 1894 permanent, 237 hourlies = 2131 total employees.

3) Number of hourly LSRs and Employment Counselors vs. number of permanent LSRs and Employment Counselors (Personnel)

See Attachment 7

Hourly LSRs and Employment Counselors = 122

Permanent LSRs and Employment Counselors = 640

F. Excel Spreadsheet showing all current PS&T members at DOL

G. Excel Spreadsheet showing current listing of hourly PS&T members at DOL

H. List of lease expiration dates – Lucas Smock

See attachment 6

1) Request update on possible move of Rochester office to Monroe Community College

Agreement with Monroe Community College (MCC) is still being negotiated by OGS. No further update at this time. The lease at 276 Waring Road is being extended one additional year (12/22-12/23). DOL anticipates moving all staff from Waring Road to MCC.

2) Request update on 55 Hanson Place, Brooklyn moves

Latest update from OGS anticipates construction being completed during 4th quarter of 2022. Occupancy will begin in first quarter of 2023. Floors 11, 12 and a portion of 8 will be DOL staff.

3) Request update on 175 Central Ave, Albany move -what is the move date?

The move to 175 Central Avenue was completed August 1, 2022, and staff are happy with the new location.

Question: Staff from Rochester Works on Goodman Street were moved to College Avenue, but DOL staff did not move. Will DOL be partnering at this location in the future?

Answer: No status update is available.

Lease for 295 Main Street is anticipated to be approved within the upcoming weeks and estimated 6-9 months before taking occupancy.

DOL is close to finalizing a new lease in Harlem, which will include updates to the office space and security.

4. Division of Administration and Finance

A. Division Update

1) Personnel – Kristen Symonds

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

- Personnel started an agencywide classification project. The first priority will be the Worker Protection titles. Working with DIPA, DOSH, and Labor Standards.
- Requesting new titles for Research & Statistics. Grade 18 and 23 in the data analytics division.

b. PEF requests a list of all current vacancies for PEF eligible titles

Personnel is currently recruiting for approximately 400 open positions, 254 of which are PEF represented.

c. PEF requests discussion of hourly staffing – DVOPS, LSRs, Project Coordinators

There are currently 4 DVOPs in hourly positions. Personnel is working with DEWS to determine the reason they are still hourly, and if they can be moved into non-competitive positions.

Personnel is currently working on a survey with Research & Statistics for hourly employees, to get obtain updated information on their past experience, exams they have taken, and educational background. Once reviewed, Personnel will determine if any of the hourly employees are eligible to be moved into permanent positions.

d. Update on the T&E exam for LSRs. Has a date been set?

Personnel is coordinating with Civil Service, but no date has been set. Kristen will follow up with Civil Service to get an update.

e. PEF requests discussion of potential paygrade upgrades for LVERs (grade 16) and Boiler Inspectors (Grade 14)

- This will be Personnel's next priority after Classifications are finalized.
- LVERs have submitted grievances for out of title work.
- Previous grievance was submitted and upheld by OER regarding LVERS backpay. Kristen Symonds will follow up with the Director of Personnel and provide an update within 30 days.
- PEF will hold an educational session regarding the Classification process.

Question: How is it determined when you can post hourly vs permanent or provisional?

Answer: In order to post provisionally, there must be fewer than 3 acceptors on acceptors list.

Titles that require a degree in accounting, are difficult to fill due to the requirements. There is limited recruitment from colleges in these areas for state jobs. DOL is extending their search to recruit as hourly, pending the candidate taking the PCO test.

Personnel is working with DEWS on outreach to recruit hard to fill positions.

5. Unemployment Insurance Division

See handout #8 – Initial Claims

A. Division Update

- UI Federal Overpayment Wavier process is up and running.
- Call volumes continue to trend downward.
- Continue preparations for the next 18-24 months: uncertainty of global economics, UI modernization, and making NY the nations' flagship UI program.

B. Update of UI modernization

The modernization is in process. Anticipated to go live fall of 2023.

C. Is UI Claimant Advocate being eliminated?

No. The UI Claimant Advocate remains actively engaged with statewide UI advocates. The Division is however aligning it's post pandemic resources to best serve our customers. Three staff in NYC are working with the Advocate's Office have been given notice of transfer to ASO in August. This rebalancing of resources will assist the Division to meet both present and future customer services demands.

PEF to follow up with Scarlett Ahmed to determine if any additional information is needed.

6. Research and Statistics

A. Division Update – any new special projects?

No updates at this time.

7. UI Appeal Board

A. Division Update

- UIAF staffing remains stable. Currently have 124 employees, excluding Board members.
- 93 of those employees are PEF members, 90 permanent, 3 hourly.

B. PEF requests update on the UI hearing platform and remote options for ALJs.

- UIAB is currently working with DOL's SIMS (Strategic Initiatives to Modernizing Services) Team to develop requirement for a virtual (video) hearing platform.
- This project is in it's beginning phase and there is currently no firm timeline for implementation.
- UIAB has no additional update to the information provided in March 2022 regarding remote work. They do not have the ability to offer remote work at this time.
- PEF met with UIAB staff in Rochester who stated they are able to complete their work remotely. Per staff, 85-90% of work is electronic.
- UIAB stated in a previous meeting with PEF, they are currently building the platform in order to increase the ability to work remotely.

This will remain on the agenda for follow up at the next meeting.

8. Division of Employment and Workforce Solutions (DEWS)

A. Division Update

- The Albany Career Center has officially moved to 155 Washington Avenue. Minor renovations are planned for the future. Staff and partners appear to be pleased with the new space.
- On May 25, 2022, DOL held the annual memorial Day Remembrance Ceremony in front of Building 12. This was held to recognize and honor those who have made the ultimate sacrifice in service to our country. The event was well attended and was also live streamed for those unable to attend in person.

B. Update on the Manager and SLSR promotions

- Between March 31, 2022, and August 18, 2022:
 - DEWS hired 2 managers/supervisors in Central Office
 - DEWS hired 2 managers/supervisors in the filed/Career Center locations.

Mark Cutturini will follow up regarding the SLSR promotions.

C. PEF requests a discussion of re-opening plans for the career centers.

- DOL has reopened our state leased/owned career centers and have resume services in our partner locations.
- Appropriate protections and protocols have been established and are being followed.
- DOL continues to monitor the situation and address the needs of customers.

9. Worker Protection – Division Updates

A. Safety & Health

- Asbestos Control Bureau
 - 40214 – Sr. Industrial Hygienist (Buffalo) results sent to program
 - 40211 – Sr. Safety & Health Inspector (Binghamton) posting closes 8/19/22
 - 40210 – Associate Safety and Health Inspector (Albany) posting closes 8/19/22
 - 40231 – Associate Safety and Health Inspector (NYC) posting closes 8/26/22
- Boiler
 - 40081 – Boiler Inspector (Binghamton) results sent to program
 - 40151 – Boiler Inspector (Utica) results sent to program
- Industry
 - 40346 – Safety and Health Inspector (Binghamton) nomination sent to Personnel, awaiting approval to hire
 - 40447 – Safety and Health Inspector (Syracuse) started on 8/4/22
- L&C
 - 40174 – Program Manager 1 (Albany) awaiting Civil Service approval. On-Site Consultation
 - Sr. Industrial Hygienist (Buffalo) nomination sent to Personnel, awaiting approval to hire
 - Sr. Industrial Hygienist (Albany) nomination sent to Personnel, awaiting approval to hire
 - Sr. Safety and Health Inspector (NYC) Personnel will post soon
 - Sr. Safety and Health Inspector (Syracuse) results sent to program
 - Sr. IH (Utica) Personnel will post soon
 - Sr. Safety and Health Inspector (Albany) Personnel will post soon
 - Supervising Safety and Health Inspector (NYC) posting closes 8/19/22
 - Supervising Safety and Health Inspector (Utica) posting closes 8/19/22
 - Sr. Safety and Health Inspector (Binghamton) reposting
- PESH
 - Safety and Health Inspector (NYC) nomination sent to Personnel, awaiting approval to hire
 - Safety and Health Inspector (NYC) nomination sent to Personnel, awaiting approval to hire
 - Sr. Industrial Hygienist (NYC) results sent to program
 - Safety and Health Inspector (Binghamton) nomination sent to Personnel, awaiting approval to hire
 - Safety and Health Inspector (Binghamton) nomination sent to Personnel, awaiting approval to hire

- Safety and Health Inspector (White Plains) nomination sent to Personnel, awaiting approval to hire
 - Safety and Health Inspector (Syracuse) nomination sent to Personnel, awaiting approval to hire
 - Sr. Safety and Health Inspector (White Plains) nomination sent to Personnel, awaiting approval to hire
 - Associate Industrial Hygienist (NYC) posting closes 8/16/22
 - Sr. Safety and Health Inspector (Albany) results sent to program
 - Supervising Safety and Health Inspector (Buffalo) posting closes 8/19/22
 - Sr. Industrial Hygienist (Buffalo) Personnel will post soon
 - Associate Industrial Hygienist (Garden City) posting closes 8/22/22
- MSHA
 - Supervising Safety and Health Inspector (Albany) nomination sent to Personnel, awaiting approval.

Also seeking two Assistant Directors, an engineer for Engineering Services Unit, and HERO personnel will also be posted soon.

B. Public Work

- PW has hired 10 additional IO1 PWW Investigators
- Two IO4's submitted for retirement (effective in September and October)
- An IO1 Trainee in Syracuse was served a Termination letter effective 8/15/22.
- Approved nominations for four additional IO1s (Albany, Patchogue, Newburgh, & Newburgh) have also been submitted in the past two weeks.

C. Labor Standards

- 12 PEF employees left (7 retired)
- 16 PEF IO1's hired
- 5 PEF Promotions to IO2
- 1 PEF Promotion to IO3

D. Special Investigations

- Hired: 6 IO1's (1 Buffalo / 1 Albany / 3 Brooklyn / 1 Patchogue) and 1 Associate UI Sec Spec (Albany)
- Promotions: 3 Promotions from IO1 to IO2 (2 Brooklyn / 1 Rochester)
- Nominations Sent to Personnel Pending Approval: 1 IO1 (Buffalo)
- Items Looking to Fill: 6 IO1's (1 White Plains / 2 Buffalo / 3 Brooklyn)
- Separation: 1 Hourly IO1 (Buffalo)

E. Division of Immigrant Policies and Affairs

- Since March 2022, DIPA has a new Director. He will be joining the division in September.
- In the process of onboarding the Assistant Director (NYC), an Immigrant Worker Specialist 1 (Patchogue) and an Immigrant Worker Specialist 2 (Albany).
- Total staffing will be 19.

New Business

A. PEF requests a date to convene a special LM meeting to discuss telecommuting, per the CBA.

ERO provided PEF with a copy of current telecommuting documents for PEF's review/comment.

A meeting will be scheduled between PEF and ERO to discuss telecommuting, DOL outings, division of labor management local meetings, and grade 20 and above vacation requests. PEF will provide ERO with dates of availability.

B. PEF requests a discussion of temporary regional LM meetings (Southern Tier)

DOL will not agree to hold separate meetings within DOL Regions set by the Commissioner.

C. PEF requests discussion of DOL outings statewide

Delays in approval of events and posters have caused some events to be rescheduled. Will meet to create consistency in the way each region submits their requests.

A meeting will be scheduled between PEF and ERO to discuss telecommuting, DOL outings, division of labor management local meetings, and grade 20 and above vacation requests. PEF will provide ERO with dates of availability.

D. PEF requests LM training

Labor Management is conducted by NYS OER. ERO is not opposed. CSEA recently attended the training through CSEA Partnership with NYS.

E. PEF requests use of EOL for agenda building meetings (standing request)

Prior to Covid, representatives would travel to Albany to create the agenda for Statewide Labor Management in person, using EOL time. Although not currently meeting in person, representatives would like to use EOL time for their phone/video meetings.

Per contract, it is at Department's discretion. ERO agrees with the use of EOL for these events. 60 minutes for local agenda building and 90 minutes for building agenda for statewide meeting. PEF

F. PEF requests consideration of resuming in-person LM meetings, on a case-by-case basis.

In-person meetings can be considered if CRR agrees and attends. ERO suggests holding in person in spring and summer, and remotely the remainder of the year

G. Management requests date to discuss holding DOL Statewide Conference with PEF.

The requested meeting would include Department leaders and the Commissioner. PEF will follow up with PEF leaders and provide potential dates.

H. Management reminds PEF that ERO should be the point of contact for Union requests.

There have been no recent issues, this is simply a reminder to contact ERO first for all union requests. Requests to address property issues still go through chain of command.

Added to Agenda:

- Chinese and Spanish speaking LSRs are having a difficult time passing the exams. They are remaining hourly rather than move to a provisional appointment, due to fear of failing the exam. If they fail the pass/fail exam, they are unable to take another exam. Cathy Okenica will forward additional information to Suzanne Piccirillo for follow up with Personnel.

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. Permanent Employees
5. PEF Hourly Employees
6. Summary on Leases

7. Number of Hourly vs Permanent LSRs & Employment Counselors by office location and division

UI Section:

8. Initial Claims

Next meeting: December 7, 2022. *The date will be reviewed by PEF for possible rescheduling if the meeting can be held in person in conjunction with the PEF E-board meeting. E-board is scheduled for December 15th.*

DRAFT