

**STATEWIDE PEF – DOL LM  
October 4, 2023  
Minutes**

<b>PEF - Attendees</b>	<b>MANAGEMENT – Attendees</b>
Scarlett Ahmed – Co-Chair	Suzanne Piccirillo – Co-Chair
Bill Clingersmith – PEF	Jennifer Williamson – Director of HR
Cathy Okenica - PEF	Karen Ronca – Director of Finance
Robert Wright – PEF Staff	Justin Smi – UI Program Manager/Benefits
Danielle Freeman – PEF	Jane Thompson – Statewide Director Labor Affairs
Kevin Jones – PEF	Ryan Slattery – Property Manager
Rosa Arenas – PEF	Odo Butler – Assoc Commissioner Policy, Strategy, Research
Michael Singleton - PEF Council Leader, Division 539	Olivia Rustick - ERO
	Patty Cahill - Admin Asst ERO

**I. Welcome/Introductions (Roll Call)**

**II. Approve prior minutes- June 13, 2023**

PEF requests receipt of minutes within two weeks after LM meetings.  
Approved to be posted on DOLi.

**III. Unemployment Insurance**

**A. Division Update**

Benefits side- seasonal uptick in claims typical of the summer season.

Employer side- staff continue to review accounts to be sure they are current and decreasing the back log.

Justin Smi will provide staffing numbers to ERO to share.

**B. Update on UI modernization.**

**1) Discussion of updates to LSR tasks and standards under UI modernization**

Currently in “Train the Trainer” phase. On track to launch fully function system within the next year.

**2) PEF requests a discussion of Non-Monetary Determination productivity goals.**

No plans to radically change the LSR functions. Will continue to update as training and testing continue.

**Salesforce LSR Dashboard-** Is the agency still taking suggestions for revisions? The testers stated the inclusion of the LSR production ranking is causing stress for staff.

The LSR Dashboard is still in pilot phase and taking feedback.

**a) PEF requests a discussion of the Grade 18 Workforce Program Specialist positions hired for the Workforce Guide unit.**

This must be answered by DEWS. WPS3 should be supervisor of WPS1, not SLSR as is currently happening. Could be OTW grievance. DEWS not available due to conflict. Cathy will provide additional information and ERO will follow up with DEWS.

#### IV. Research and Statistics -

##### A. Division Update

- R&S currently has 92 staff.
- New hires since last report: 5 new staff hired, 4 of which are PEF.
- Currently filling:  
Senior Economist in Syracuse.  
PRS1 & 2 in Albany

#### V. UI Appeal Board-

##### A. Division Update

- 99 staff, excluding board members. 78 are permanent PEF.
- Currently filling:  
4 administrative positions  
7 ALJ positions posted statewide.

The results of Legal Specialties exam will be available soon, and UIAB will repost for additional ALJs.

##### 1) PEF requests a discussion of the caseload, by region.

Receive files from ASO by region but currently managing on a statewide basis. UIAB meets weekly to discuss caseload distribution with calendaring team. Recently transitioned to receiving cases from ASO electronically, which makes it easier to redistribute cases statewide as needed. A range of 5 case numbers is assigned per judge, statewide. Hearing duration allotment guide-Additional time is provided for highly complex or language cases.

##### 2) PEF requests update on the UI hearing platform.

Go live scheduled for January 2024. Communications will be sent and trainings scheduled. The platform is Web-ex based which allows claimants to attend virtually and includes a call-in feature for those unable to attend virtually. The new platform alleviates the judges from calling each participant.

UIAB is using current technology to expand the ability to work remotely by the end of October 2023. The ability to work remotely will increase from 20% to 40% ALJs; 10% to 20% for admin staff.

#### VI. Division of Employment and Workforce Solutions (DEWS)

##### A. General Division Update

- Hiring continues to be a priority for DEWS.
- DOL set a new fundraising record at Hot Dog Day, \$8224.75 for the Tri-County Council Vietnam Era Veterans. DEWS thanks PEF for contribution.
- NYSDOL launched Virtual Career Center for Businesses. Businesses can utilize this to tap into the states workforce and find qualified candidates.
- Virtual Reality was utilized the NYS Fair. More than 3500 individuals used the VR headsets during the fair.
- NYSDOL was involved in the AG Career Day on August 24<sup>th</sup>, with 209 participants, a significant increase from previous years.
- Apprenticeship Council Meeting was held on 9/19/23.

**B. PEF requests a discussion of RESEA and Career Center enhancements and workflow.**

**1) Will DOL improve and expand the RESEA telephone script available on DOLi? Will there be video training demonstrating a full RESEA1 interview?**

DEWS is committed to providing needed training to staff. The templates/scripts provided on DOLi are meant to give staff suggested language on how to approach specific topics. The RESEA appointments should be conversational and now follow a rigid script. DEWS is willing to do smaller customized trainings for offices who need/want additional trainings for conducting RESEA appointments.

**2) How much work is anticipated now that Career Centers will be assisting asylum seekers? Will this work be scheduled into Career Center operations or fit in between existing timeslots for RESEA customers?**

DEWS is currently working to setup processes to assist asylum seekers with critical workforce needs. The process will consider staff capacity and more information on this will be shared as it develops.

**3) How many apps are LSRs required to use now vs pre-pandemic?**

DEWS continues to modernize the way they do business. There has been no significant shift in the number of applications used pre vs post pandemic.

**4) What support is offered for staff who have trouble navigating among all the new apps, especially older employees?**

When new processor or applications are introduced, DEWS holds multiple statewide trainings to showcase any changes and benefits. If staff feel more training is needed, they should escalate this request through their supervisors.

**VII. Worker Protection**

**A. Division Update**

Recruitment is a priority for the Division. Due to turnover, four of five units are requesting more items than current funding allows.

Civil Service lists have been helpful, however the IO list for NYC presents challenges.

The OA1 title is used across all of WP. A Civil Service audit is scheduled for November 2023 to review the for OA1, OA2 LS, OA3 LS titles. OA1 title has no division designation. If changed, OSI will also be impacted.

**1) Safety & Health**

3Q 2023 DOSH had the following:

Departures -

- Resignations for promotions: 2
- Resignation left State service: 1
- Retirement: 1

New Hires -

- 1 Administrative Analyst
- 1 S&H Inspector
- 1 Sr. Industrial Hygienist
- 1 Professional Engineer

Promotions -

- 1 Sr. S&H Inspector
- 1 Associate S&H Inspector
- 2 Supervising S&H Inspector

3 S&H Inspector and 2 Sr. IH nominations pending EHS exams.

**2) Public Work**

3Q 2023 Bureau of Public Work had the following:

<b>FILLS</b>	<b>Title</b>	<b>Location</b>	<b># of Items</b>
	IO1 TR	Patchogue	1
<b>TOTAL FILLS</b>			<b>1</b>

<b>PENDING FILLS</b>	<b>Title</b>	<b>Location(s)</b>	<b># of Items</b>
	IO2	Albany	1
	IO2	Binghamton	1
	IO2	Buffalo	1
	IO2	Garden City	1
	IO1	Buffalo	1
	IO1	Newburgh	2
	IO1	NYC	2
	IO1	Syracuse	2
	IO1	White Plains	1
<b>TOTAL PENDING</b>			<b>12</b>

**3) Labor Standards**

3Q 2023 Labor Standards had the following:

Departures -

- Resignation for promotion = 2
- Resignation left state service = 1
- Retirement = 1

New Hires -

- 8 IO1s

Promotions -

- 5 IO2
- 3 IO3

#### 4) Special Investigations

##### OSI for Q3 2023:

##### Departures -

- 4 Total
- Termination – 1
- Left DOL for different state agency – 2
- Left OSI for different DOL Unit – 1

##### New Hires -

- 1 IO1 \*hired 8/17/23 and last day is 9/27/23. Employee returned to prior NYS agency

##### Promotions -

- 1 SESC to IO1 (from CSEA position to PEF position)
- 1 Hourly IO1 to Perm IO1

#### 5) Division of Immigrant Policies and Affairs

- DIPA is currently filling an IWS2 and the Director item is currently vacant

#### B. Follow-up discussion of Worker Protection staffing committee

JL/Program meets weekly/biweekly with Personnel and Executives, looking at all divisions one by one, specifically with PESH. Potentially requesting IO for PESH to assist with retaliation cases.

### VIII. Division of Administration and Finance -

#### A. Division Update

##### 1) List of lease expiration dates - See *attachment #5*

Lyons to Finger Lakes CC. Any movement?

Still in negotiations for the property.

“month to month”-working on new leases for those properties.

125<sup>TH</sup> street Career Center in NYC under renovation.

9 Bond Street is no longer occupied.

##### 2) Federal – See *attachment #1*

Budget not passed, funding until November 17<sup>th</sup>. If federal shutdown, have significant funding. No layoffs, possible shifting of staff, especially in R&S because their funding is tight.

##### 3) State – See *attachment #1*

Request for funding is due in October. Were directed not to request additional funding. No reductions are anticipated.

**Question:**

**a) Follow-up: What percentage of Worker Protection penalty funds is directed towards staffing?**

The Department does collect slightly more in Worker Protection penalties and fees than we spend on staff because spending is controlled by the Division of the Budget cash ceilings. The Department spends approximately 93% of the amount collected on staff.

**4) UI Trust Fund Status – See *attachment #1***

**Question:**

**a) How much was the trust fund loan balance at its peak, and when do we guess it will be paid down?**

The loan was 10 billion dollars at the highest point, current is 6.8 billion. If no recession, should be paid down in 2027. at top-10 billion. 6.8 billion.

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

***See attachment #2***

**a) Change in FTEs**

Currently down 57 positions.

**b) Planned fills and promotions.**

*See attachment #2*

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

***See attachment #4***

**a) Current Staffing by Division - See *attachment #3***

**b) Discuss request for spreadsheet to include years of service (YOS) for hourly? PEF requests an update on this request.**

PEF requests YOS be added to the staffing report, especially for hourly staff.

YOS is determined utilizing data from multiple systems and can be calculated differently. An automatic report for permanent employees can be processed. For hourly employees, this is not an automatic report and Personnel would need to calculate manually. This report cannot capture years of permanent service at other agencies. The long-term goal is to provide YOS report for all hourly. Currently, Personnel can provide the YOS information gathered for Employee Recognition. Any discrepancies regarding YOS should be addressed with Personnel on an individual basis.

Per the new contract, hourly LSRs who meet specific qualifications are eligible for protective rights. These qualifications include taking the most recent T&E exam. DOL does not have access to the list of all exam takers, only those who passed. Personnel discussed obtaining access to this information from Civil Service, and the response is pending. There is a multi-layer qualification requirement and must be reviewed by Personnel on a case-by-case basis.

PEF/Bill Clingersmith will send PEF's list of LSRs who are currently still hourly to Personnel for review.

## **B. Personnel-**

### **1) Follow-up: Update on hiring from LSR T&E exam**

#### **a) How many hourlies were hired off the list?**

- As of March 2023, 29 hourly employees were made permanent.
- 4 provisional to perm appointments pending.

#### **b) Can all reachable hourly UI and DEWS LSRS be hired?**

Bill C will send the list he has of hourly names to get an update.

### **2) Follow-up: Can LVERs be considered for reclassification to Grade 18, as their duties are comparable to Employment Services Representatives?**

Not looking to reclassify. Personnel is working with CS to update standards for ESR. That will be shared with PEF before update to CS site to clarify the distinction between the two titles/duties in the class standard.

### **3) Follow-up: Update on Boiler Inspector reclassification**

Very large project-Personnel is reviewing all WP titles. Boiler Inspector upgrade is included in that review. 1<sup>st</sup> item-Asked CS to conduct audit on IO.

### **4) Follow-up: PEF requests continued discussion of how PMP will be implemented in each unit.**

Rolling out agency wide. working on videos, and training tutorials for training supervisors on PMU- how to complete evals, difference between types. Working with R&S to find an easier way to capture the data in real time, to track outstanding evals.

### **5) New Business**

#### **a) Recruitment**

PEF requests this be a recurring agenda item. At PEF's urging, \$2.2 million included in budget to develop job eval system to review statewide job structures. PEF encourages DOL to utilize every available tool to increase hiring.

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

CS has not reached out with any at this time.

## **IX. Outstanding Statewide Business**

### **A. Update on telecommuting, per the CBA.**

The new policy was updated and posted. PEF feels their edits were not taken into consideration and it was posted without their agreement. New PT303 which revised the days schedule to Monday-Friday. Does not match the policy. Will follow up offline-RW and MAC, SP.

### **1) May local managers ask staff to pivot to telework for bad weather/climate change events this year?**

Can send request up through chain of command. but pivot must come from Executives. Must follow centralized guidance from the state regarding directed departures and pivot to remote.

PEF wants the pivot to come early enough for staff to drive before the roads are dangerous.

**2) Follow-up discussion on union representation for home visits and the appeals committee– PEF had requested discussion with policy makers present.**

PEF feels representation at home visits was negotiated with OER, but ERO verified this was not the case. RW asked to be notified in the future if any information he provides is contested by other parties so he can follow up. To be discussed at offline meeting.

**B. Update on local LM vs. regional LM meetings.**

Previously ERO suggested Cathy Okenica should speak with Mike Singleton about collaborating the two regions.

PEF discussed and felt issues are unique to each work site and combining into one region for labor management would not work. Article 24.4 was referenced- the article states when sides cannot agree within 90 calendar days, the joint labor management committee shall provide statewide training. Cathy and Robert will continue to discuss with ERO.

**X. New Statewide Business**

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

Organizers go early to set up and take attendance and PEF feels they should get release time for it.

Past practice gave this. GOER's position is no. SP asked PEF for examples from other agencies. SP will take back for discussion.

**B. PEF requests a discussion of updated policies and procedures, such as the new EOL form and the DOL Employee Guide.**

PEF feels they are not being consulted prior to posting of updated procedures.

ERO-A large overhaul is taking place. Much is just formatting changes. ERO works closely with policy team to stay on top of policies which may impact the unions and ensure they are shared out. Page 44 of Guidebook – counseling can be in person, or via video. not consistent with the contract or Harnett Memo.

Guidebook-indicates temp staff can be leg go at any time. Normally would only be due to funding or misconduct. ERO will note the concern. EOL form was posted prematurely and then taken down. Will share with PEF prior to posting.

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

Discussed Page 44 of Guidebook – counseling can be in person, or via video. not consistent with the contract or Harnett Memo. To be discussed offline.

**D. PEF requests a discussion of EAP committees to be a standing item.**

Local EAP committees exist in Albany and NYC. NYC hasn't been active. SP would have to confirm with other areas if they have active EAP committee. who would be appropriate rep at statewide level? local EAP should be invited to local committees. Need to get EAP Coordinator positions filled and then will discuss local committees.



**E. PEF requests a discussion of the Civil Service Initiative for recruitment and retention.**

*Discussed under agenda item VIII. B. 5.*

**F. Proposed dates for upcoming LM meetings and agenda building meetings.**

Next meeting will be January 9. (*rescheduled to February 7*) Will discuss the remaining meetings for the year at the meeting.

**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