

PEF LABOR/MANAGEMENT
January 20, 2016
Meeting Agenda

ISSUE:

Endicott Café Services

Discussion was held at the last meeting regarding the reopening of the space and some possible vendors were brought to management's attention.

Has there been any progress in the utilization of this space?

New Business:

Number:

Old Business: **X**

Number: **1**

INITIATED BY:

PEF **Management**

RESPONSE:

Management attempted to find a vendor through various sources but due to circumstances was not able to make any progress. PEF acknowledges and appreciates their efforts.

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ISSUE:**Additional Supervisory Training**

Management was to offer consideration to additional supervisory training and was to work with TAMA to explore training.

What is the current status of this effort?

New Business:

Number:

Old Business: **X**

Number: **2**

INITIATED BY:

PEF Management

RESPONSE:

TAMA has provided a number of relevant training offerings. DDD is going to begin canvassing sites for interest and based on the responses to the canvass will establish a mode of delivery and dissemination. DDD is working with SSA to access some of their training material.

Management will share the results of the canvass with PEF as available.

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ISSUE:**Formal Counseling Session**

Management should provide PEF members with written notice that they are being formally counseled. In addition, management must follow written procedure to allow supervisor-to-employee counseling and not increase the disparity in representation by having several management representatives meeting with the one PEF employee.

New Business:**Number:****Old Business:** **X****Number:** **3****INITIATED BY:**PEF Management**RESPONSE:**

Management and Labor could not come to a resolution of these concerns. All agree to have a smaller group sit down and discuss these matters.

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ISSUE:**Boerum Issues Per Hearing/Hearing Per Calendar**

PEF contends that the number of hearings per calendar and the number of issues per hearing is excessive and does not afford the ALJ's adequate time during the work day to:

- Instruct the parties of their rights; and maintain an atmosphere of fairness, impartiality and due process.
- Administer oaths and affirmations.
- Elicit testimony from parties relative to the issues of the hearing and question witnesses to obtain facts.
- Rule on various issues including objections by parties, relevancy and admissibility of evidence and exhibits, and requests for adjournment.
- Organize legal information or records; receive all exhibits produced.

PEF requests the following:

1. A reduction in the overall calendar assignments to be uniformed with the rest of the State (22).
2. A reduction in the number of issues per hearing to no more than 2.

New Business:

Number:

Old Business: X

Number: 4

INITIATED BY:PEF Management**RESPONSE:**

Management asserts that all fair hearings conducted by OTDA properly provide due process to all parties. Management disagrees with the numbers in the presentation.

Management will revisit suggestions from PEF on the reduction of workload and is open to further discussions in the future at Statewide meetings.

Labor is concerned that the ALJ's are unable to complete the workload within the 7.5 hours workday.

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ISSUE:**Calendar Coverage**

PEF contends that ALJ's are being punished for calling out sick and utilizing their accrued leave. Supervising Hearing Officers have advised ALJ's to take the whole week off if they choose to take one calendar day off. Principal Hearing Officers have punished ALJ's for calling out sick or who have left work because they fell ill. PEF contends that the effects of the policy is anti-woman, anti-family, and in violation of the CBA.

PEF contends that time and attendance are mandatory subjects of bargaining and requests a moratorium on the use of this policy so that PEF and management can discuss, create and implement a policy that is fair and equitable to all.

Management Comment: A letter from Wilma Brown Phillips was sent to PEF confirming management's position that the 2012 memo from Maria Vidal does not violate or alter OTDA's Sick Leave Policy as outlined in the APPM. Also, an email was reissued clarifying that Hearing Officers who telecommute are not required to request a full week off if they request a calendar day off within the same week.

New Business: X

Number: 1

Old Business:

Number:

INITIATED BY:

PEF Management

RESPONSE:

Management states there is no change or violation in the sick leave policy. Management states that the assignment of an ALJ's workload is Management's responsibility.

PEF contends that the real issue is a change in the use of personal and sick leave which are mandatory subjects of bargaining that was implemented without discussions with PEF.

PEF further contends there are mechanisms in place to cover calendar assignments when an ALJ calls out sick. PEF states that currently ALJ'S are being asked to cover calendars although they submit leave slips way in advance of scheduling. PEF contends the issue of the discriminatory impact against women is still unresolved.

Management disagrees there is any such discriminatory impact or practice.

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ISSUE:**Hearing Officer Civil Service Title vs. In-Office Title**

PEF contends that a Hearing Officer's civil service title name versus the office title – Administrative Law Judge is a non-issue. It is well established that Governor Andrew Cuomo recognizes that OAH Hearing Officer's in-office title is Administrative Law Judge. A review of OTDA's website clearly states the following under Fair Hearings:

When an Appellant requests a fair hearing they will appear in front of an "Administrative Law Judge". At the top of the heading lies the name of Governor Cuomo, Commissioner Sam Roberts and Executive Deputy Commissioner Sharon Devine. Our in-office title was never at issue prior to September 2014. PEF further contends that the OAH/OTDA official decision that is issued publicly clearly states "Administrative Law Judge _____", the desk plaque in the ALJ's office clearly states "Administrative Law Judge", and prior to September 2014 our business cards stated "Administrative Law Judge".

Because the Administrative Law Judge title does not affect the operational needs of the office PEF requests that the in-office title of Hearing Officers remain as Administrative Law Judge.

New Business: **X**

Number: **2**

Old Business:

Number:

INITIATED BY:

PEF Management

RESPONSE:

This item tabled to the next meeting due to time concerns.

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ISSUE:**Communication with Medical Staff Within DDD**

There are barriers to communication between analysts and medical consultants that should be removed. In particular the ability for staff to communicate with medical staff in other regions who are giving them case input. In addition, there is a need for training and education for medical consultant staff to insure uniformity and quality of medical input.

New Business: **X**

Number: **3**

Old Business:

Number:

INITIATED BY:

PEF Management

RESPONSE:

This item tabled to the next meeting due to time concerns.

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ISSUE:**Outside Employment/Volunteer Activity**

PEF kindly request that management list the subject of the expired "outside" employment/volunteer activity when sending emails to PEF members informing them that their approved activity expired.

Management's Comment: Management has already confirmed back to PEF that management will include, in the reminder memo, the type of activity(s) that will be expiring for employees who have multiply approvals.

New Business: **X**

Number: **4**

Old Business:

Number:

INITIATED BY:

PEF Management

RESPONSE:

This item tabled to the next meeting due to time concerns.

The following individuals were present at the PEF Labor/Management Meeting held on January 20, 2016, at PEF Headquarters:

Carl Anderson	Labor
Eldin Clouden-Wallace	Labor
Leah Cooper	Labor
Sharon DeSilva	Labor
Richard Fletcher	Labor
Debra Greenberg	Labor
Nancy Holford	Labor
Jennifer Landers	Labor
Timothy Lane	Labor
Peter Maurer	Labor
Usher Piller	Labor
Antonio Rivera	Labor
Steven Schwartz	Labor
Maddie Shannon-Roberts	Labor
Deborah Walton	Labor
Theresa Williams	Labor

Victoria Bocketti	Management
Wilma Brown Phillips	Management
Sharon Devine	Management
Donna Faresta	Management
Kevin Kehmna	Management
Mark Lahey	Management
Nancy Maney	Management
Nigel Marks	Management
Phyllis Morris	Management
Wendy Phillips	Management
Samuel Roberts	Management
Krista Rock	Management
Dan Romero	Management
Jill Shadick	Management
Samuel Spitzberg	Management
Eileen Stack	Management
Gloria Toal	Management
Jessica Vaughn-Tolle	Management
Teri Vazquez	Management
Diana Wildermuth	Management