

PEF/DFS L/M Meeting Minutes
1 State Street
6th Floor Conference Room, New York, NY
Teleconference Location:
1 Commerce Plaza, Albany, NY
July 20, 2016

Persons in Attendance	
Labor	Management
<u>Albany</u> William Denn Dorothy Hernandez Peter Thaisz	<u>Albany</u> Carol Deluca Phil Kelly Chad Loshbaugh
<u>New York City</u> Jong Chan Maria Comsti Stephen Dondero Matt Fagan Suzette Grant Priscilla Marco Peter Ng McDavis Ojarikre Ade Oluwo Gary Presser Barrington Scott Cheryl Skinner Jeffrey Szarejko Eric Williams	<u>New York City</u> Marie Campbell Deirdre Fisher Scott Gollop Tomlynn Yacono

1. **Welcome/Meeting Minutes Approved**
Management opened the meeting by thanking PEF for providing agenda items in a timely manner. Last meeting's minutes were approved.

2. **Information Request: Labor had a number of requests for information, and Management asked them to clarify their requests.**
 - a. **Promotional Vacancies in the Department:**
Labor requested quarterly updates of all promotional vacancies, and stated that they had received that information in the past.
 - b. **The Department's Budget:**
Labor requested information about the Department's Budget. Management explained that every agency's budget is made public on the Department of the Budget's website. It includes explanations and information about appropriations. Management further explained that all budgets are broken down into lines for "PS" (personnel) and "NPS" (non-personnel). Management asked PEF to send them a copy of what information they used to get about the DFS budget, in order to better understand what the union is looking for and to be able to direct them to that information. PEF agreed to share this with Management.
 - c. **Organizational Charts:**

Labor requested complete Organizational Charts for all areas of DFS. Management responded that they do not have Org Charts to present at this time, but that they are currently developing a common platform to develop and maintain Org Charts, which will allow DFS to edit and manage these charts as they change over time. PEF asked when this would be available, and Management responded that they should have something to share on the progress of the platform by the next meeting.

d. Affirmative Action Reports:

Labor requested an Affirmative Action Report. HR responded that the Affirmative Action Officer no longer provides reports, and has not done so for several years, because it is no longer required by law. Labor asserted that reports were issued in the past, and furthermore, that per a recent training meeting, AA Reports are still required. HR asked that Labor please share any information from this meeting, and PEF agreed to do so.

e. List of Consultants/Temps:

Labor asked for a list of consultants and temps, including the number of consultants/temps and their positions.

3. Management denying employees access to the 19th and 20th floor of One State Street, NYC.

Labor expressed concern about being denied access to the 19th and 20th floors of One State Street, calling it a violation of their contract and an impediment to work. Management explained that due to security concerns, not every employee and department will have access to every area, and that there are some parts of the building that must be secured, and will thus be restricted. This policy applies across the board to all employees, not just PEF members. This security decision has been made by Executive, and is non-negotiable.

However, Management did explain that there are ways to access these floors. Individuals may 1) Present themselves to Jason on the 19th floor, and he will let them in, and may then walk up the stairs to the 20th floor, or 2) email the employee working on the affected floors ahead of time and they may come down to meet the individual. PEF shared a situation in which certain members of the IT team were not given access to the 20th floor right away, and asked if access could be extended to employees that weren't regular IT staff. Management responded that Labor may bring this issue to Statewide PEF if they wish.

4. Pay Parity (Specialists, Capital Markets, Examiners)

Management took this opportunity to introduce Phil Kelly, the new Deputy Director of Administration. Management also expressed that they had been in multiple meetings with the new Superintendent, discussing details of titles and salaries, the difference between specialist and examiners, and other related issues. Management is now awaiting further guidance from the Superintendent.

Labor thanked Management for being proactive on pay parity, and Management expressed that they are available to continue to have an open discussion on the issue. PEF asked Management if they would be willing to work with them on a Pay Parity Subcommittee, and Management said they would be amenable.

5. ID Cards

PEF expressed concern that some Examiners are encountering difficulties in gaining access at field work sites, and inquired as to whether a more official ID could be provided to staff. Management expressed that in previous meetings with Labor, there had been a discussion about the issue generally, but asked for the specific details of each situation in order to resolve the issue. Management reached out to Office Services after Labor brought up this issue previously, but Office Systems needs specifics, because ID card clearance is a technical/systems issue.

Labor asked exactly what information Management required, and suggested a separate meeting offline to further explore what was needed. Management agreed.

6. Clarification of Travel Policy:

Labor challenged the fairness of the current denial of compensation time for travelers returning from the field, when the return trip is delayed due to non DFS purposes. PEF commented about Examiners returning from the West coast and having to charge time because of the length of travel time.

Management responded that a new DFS Travel Policy is being created that should address this issue. Labor asked when the policy will be completed. Management explained that they have gone back to the core document concerning travel from the Comptroller's Office, and are basing the DFS Travel policy on this document, and rebuilding it up from the ground. Management expects to have draft of this new policy available by August.

Labor responded that they look forward to this draft, and that once they receive it, they will hold a Travel Subcommittee to review it, and will report back to the full committee with their comments.

7. Asbestos removal/remediation at One State Street

Labor expressed concern about the presence of asbestos in One State Street. Until the remediation for the lobby renovation began, Labor was under the impression that no asbestos was present in the building. They requested air quality ratings for the days when the asbestos abatement was conducted.

Management advised that it had a similar understanding. Management explained the information requested was already provided but it would recirculate it.

8. Promotions:

a. Status of Principal Bank Examiner Promotion List/Principal Insurance Examiner Promotional List:

Labor expressed concerns about the (a) Principal Bank Examiner Promotion List/Principal Insurance Examiner Promotion List - They feel that the Department is using 70.1 Transfer of the NYS Civil Service Law to circumvent the promotional list ignores a merit-based approach Civil Service rules for promotion; (b) Status of of Senior and Associate Examiner position; and (c) Update on ongoing promotions/Filling of Specialist Positions – Internal Control Specialist and Capital Markets Examiners.

Management explained that the promotion process requires Division Managers to present their short and long term staffing needs, including new hires and promotions, to the Superintendent for approval. HR may only hire or promote for positions which are requested by Division Directors and approved by the Superintendent. Management expressed that HR often gets the blame for anything that goes wrong or moves slowly in this area, but that they are a customer service entity, and do not have control over what staffing requests are made. Management expressed their willingness to meet with other Division Directors to explain their methodology in approaching the new Superintendent, and they discussions which took place. Ultimately, it comes down to the DDs to make staffing requests.

PEF also expressed concerns about the use of 70.1 transfers in filling positions. Management responded that in addition to eligible lists there are several mechanisms available to the Department in filling positions including 70.1 transfers, 52.6 transfers reinstatements, and NCP appointments. The Department will use all mechanisms available to it in filling positions.

b. Status of the Associate Insurance Examiner Promotion List:

Labor wanted to know the status of the interviews held in April for the Associate Insurance Examiner positions.

Management responded that promotions are expected in the next few months.

c. Update on ongoing promotions/filling of Specialist Positions- Internal Control Specialist and Capital Markets Examiners:

PEF expressed concerns about the lack of position filled for the Internal Control and Audit Specialist title. Management responded that fills are not solely driven by Human Resources but are also based on decisions made by Business Unit heads.

Management expressed that the Department currently has a fill level of 1,382 and that currently the department is at 1,359 leaving a gap of 23 positions that can be filled. Management further expressed willingness to participate in conversations with the various Business Units regarding staffing levels.

HR provided an update that they've gotten approval for some Bank Examiner positions, and that the positions have been posted and put out. They also said that approvals to fill Capital Markets positions are coming.

Labor expressed that promotions were causing a serious morale issue, especially in the Insurance Division. They are concerned that some employees are unfairly being promoted other employees with more experience. Management agreed that morale issues exist, and HR pointed out that promotions always cause some sort of morale issue, but that they are striving to make the process as objective and fair as possible. Labor asked if it was possible to have a meeting about promotions with Bureau Heads, and Management agreed.

Management agreed to bring the union's concerns to the Superintendent and Chief of Staff.

9. GAM policies discrepancies/blending, Obsolescence/Proposed Tardiness Policy by Management:

Labor expressed their eagerness to move along the process of the completion of the GAM policies. Management agreed, and said they expect to have the majority completed by the end of the year.

Labor proposed the establishment of a subcommittee on GAM Revisions, and recommended the following members to be on the committee: William Denn, Matthew Fagan, Suzette Grant, Ademola Oluwo, Barrington Scott, and Peter Thaisz. Management and Labor agreed that the working on the Tardiness policy would be a good test to see if the committee is effective and necessary.

10. No Transit/Cancellation of Mass Transit and Travel Disruptions

Employee's inability to get to work (Severe Weather/Snowstorm):

Labor presented an example of employees who live outside of NYC, and were warned by their county or town not to drive on the streets due to severe weather conditions.

Management responded that in situations involving severe weather/snowstorms only the Governor can close State offices and if State offices are not closed by the Governor, employees are expected to report to work and if unable to report to work, they are required to use appropriate accruals.

Management indicated as appropriate, it would consider petitioning the department of Civil Service for time and attendance relief for employees in situations involving extraordinary weather conditions.

Labor and Management agreed to continue the discussion offline regarding telecommuting.

11. IT Staffing (Use of Consultants for extended period)

PEF expressed concerns about the large number of consultants entering the workforce, because it may take work, skills and training, and possible promotions away from permanent employees. They also want to know how staff will inherit the consultant's duties when they leave. Management said that they will work with IT to look at both of these issues.

12. Investigators and Investigative Officers

Labor asked Management to comment on the downgrading of the Investigator title. HR replied that Civil Service did a thorough review of all titles, and consolidated a number of them. Labor asked for information on the number of people impacted by these changes, and HR agreed to provide PEF with the exact number.

13. Staff Training and Development:

Labor asked for clarification on the Training budget. They wanted to know what exactly the budget is used for, and if there is a specific Discretionary Fund.

Management explained that there is no set budget for Training, but that the unit is very small, and is about to double in size. There is also no specific Discretionary Fund. The

Superintendent has made training and the review and streamlining of business processes a priority across the agency. This includes not only the development of specific skills needed in divisions, but also on performance evaluations and performance management.

Next meeting date: Wednesday, October 19th, 2016 1:30 – 3:30 PM