

**PEF/WCB STATEWIDE L/M MEETING  
MINUTES  
October 25, 2016**

**PEF Attendees:**

Poole, Sheila, Co-Chair  
Anderson, Bob, Co-Chair  
McNally-Pisano, Milena, PEF Field Rep  
Garcia, Julio  
Mantione, Jr., Charles  
Murphy, Seamus  
Osta, William  
Watson, Gail  
Whispell, Russell, absent  
Washington, Linda  
Pompey-Goodman, Bibi, absent

**Management Attendees:**

Connelly, Paul, Chair  
Woods, Mary Beth  
Aluise, Suzanne  
Better, Craig  
DeMarco, Anthony, absent  
Donohue, David  
Mantello, Sylvio  
Miller, Phillip  
Pantzer, Madeline  
Papa, Michael  
Reese, Lori  
Smith, Steven  
Wertheim, David  
Neuls, Debbie, Recorder

**General and Continuing Issues**

**1. Health & Safety Update from Management on any Statewide/District Initiatives REMAIN**

**PEF inquired as to whether there were a minimum number of entrance/exit doors required for each hearing room?**

PEF requires that Hearing Room 116-F in Hauppauge Hearing Point, one room in Syracuse, and two of the three rooms in the Newburgh Hearing Point be in compliance with WCB Guidelines for hearing rooms by putting in a second exit.

ACTION ITEM: Management will get back to PEF as to whether it is feasible by the next meeting.

**PEF requested an update on Health and Safety initiatives throughout the State.**

There is nothing to report at this time.

**2. Vacancies: Review of current fill level and designated positions to be filled.**

**PEF noted appreciation of Management providing the job description for the Binghamton Program Research Specialist EF 3.**

**PEF requires if the WCB is at maximum fill level? PEF inquired whether the "Approved to be filled" and "Request to be filled" are included in the maximum fill level.**

Management reported that the WCB is currently just below the maximum fill level; however, the Board is projected to expend almost 5 million dollars more than budgeted personal service dollars should all requested positions be filled. For clarification, "request to be filled" items are in pending status at the Division of Budget.

### **3. Telecommuting Update from Management on any Program/Equipment Issues**

**PEF inquired as to the progress of the telecommuting rollout subsequent to the signing of the new telecommuting program for WCLJ's and ARD staff. PEF asked how many new participants have signed up and been approved for telecommuting based on the new agreement?**

At this time, there are a total of 71 PEF represented positions overall approved and participating in the telecommuting program. There are new pilots in Adjudication, Legal Affairs; expanding pilots in Conciliation and ARD; and ongoing programs in UEF and Quality Control. This represents a total of 44 additional participants in the telecommuting program.

**PEF asked Management to report on any new program or equipment issues that have developed since May 2016?**

At this time there is nothing additional to report.

**PEF inquired as to whether Management is expanding telecommuting opportunities to staff in units such as Claims Operations, Monitoring and Compliance?**

Management reported that the Board is currently looking for clear, quantifiable methods to evaluate employee performance while participating in a telecommuting program.

**PEF recently inquired if Verbatim Reporter IIs (VR IIs) might be allowed to telecommute. The response received indicated that because VR IIs are needed at the worksite to supervise telecommuting would not be offered to them. PEF notes that supervisors in other units do telecommute and is asking Management to reconsider their position on this issue.**

Supervisors in Adjudication, both Judges' Bureau and Verbatim Reporter IIs, are needed on premises in the event that coverage is needed. In the event of an increase in digital audio recording, or similar technology, Management will then review telecommuting as an option.

### **4. WCB relocation and remodeling efforts—staff and/or offices**

**PEF requests an update on the WCB plan to remodel Judges' desks. PEF inquired as to the progress of retro-fitting WCLJ computer desks to accommodate the larger monitors.**

Management's expectation is that all WCLJ desks will be retro-fitted. However, if there are medical accommodations required, Management will review and determine appropriate action.

Riverview's remodeling of the Judges' desks have been completed.

**Can a WCB Judge who has a small monitor keep it?**

With the retro-fit, the small monitors will no longer be needed. All desks will accommodate a larger monitor.

**ACTION ITEM:** Once Management develops a roll-out plan for remodeling of the Judges' desks in other districts, Management will share with PEF as soon as practicable.

## Old Business

### **1. Business Process Re-Engineering Project Update from Management REMAIN**

PEF requested an update on initiatives for the Business Process Re-Engineering Project, including the virtual hearings pilot program and development of a new CIS claims system.

See attached.

### **2. Time Limits Imposed on Hearings REMOVE**

PEF acknowledges it has not provided specific proposals regarding cases that should have extended hearing time to Management, as requested and agreed to, at the May 25, 2016 meeting. PEF apologizes for the delay in response.

Based on feedback from WCLJ's across the state, it is PEF's opinion that cases involving establishment of ODNCR, as well as any case involving the testimony of more than 2 participants be granted more than 45 minutes of calendar time. PEF asserts these hearings often go beyond the 45 minutes allowance requiring WCLJ's to shorten additional hearings throughout the day in order to end the days calendar on time. PEF requests Management review these proposals and respond within a reasonable amount of time.

ACTION ITEM: This item will be removed from the agenda. PEF will talk to their members, as to specific examples; once this data is gathered, PEF will return it to the agenda.

### **3. WCLJ Laptops -Status of Security Policy/Laptop Locks REMOVE**

Subsequent to the May 25, 2016 Security and Management provided ITS' response that all laptops should have locks and that PEF staff in need of a lock should contact the Helpdesk through a Fixit request or contact their local USS support staff to obtain a lock. PEF appreciates Management's responsiveness to this issue.

### **4. WCLJ's Access to Printers REMOVE**

PEF expressed appreciation to Management for their responsiveness and quick follow-up in providing printers in each video/hearing enclave for the use during hearings.

### **5. Notification of New PEF-Represented Staff REMAIN**

Both PEF Council Leaders indicate they have been receiving New PEF Staff notifications on a regular basis. This is greatly appreciated.

PEF noted however that recently hired staff have expressed concern over not having an official orientation program at hiring to include discussion of the Union and Union provided benefits. PEF inquired whether any new employee orientation is currently being given by the WCB and/or the BSC, if so how often? If no new employee orientation is offered, PEF would encourage Management to revive this past practice on at least a monthly basis, including Union representatives in the process. As an alternative, PEF suggests an on-line Employee Orientation program be developed for all new WCB staff, similar to the newly revised and launched WCB Orientation. A link to the program could be provided via e-mail to all new WCB staff with a request that they view the program within a specific time frame from their date of hire.

Management reports that at the current time all new and promoted employees receive orientation materials including bargaining unit information via electronic mail from Human Resources. Management will investigate any recent employees who have not received such information. All information contained within the new and promoted employee onboarding packet is also contained on the BSC website through a series of links. Management will use best efforts to provide an in-person orientation through a Human Resources liaison; if an in-person orientation is not feasible, it will be provided by telephone.

ACTION ITEM: PEF council leaders to provide list of employees who did not receive orientation packets at or near time of hire within 30 days.

## **New Business**

### **1. Senior Attorneys Conducting Compliance Penalty Hearings REMAIN**

**PEF inquires whether Senior Attorneys will conduct hearings on employer compliance issues and penalties. If so, PEF asks why these issues will not be heard and decided by WCLJ's?**

Compliance will be conducting penalty review inquiries on procedural penalties payable solely to the Board. These reviews do not include claims for compensation, and CIS is not used for this program. Injured workers will not be a party to these inquiries. There are currently 2 reviews scheduled this quarter. In the event that there is a significant increase in the number of required reviews, Management will re-evaluate whether or not there is an alternative review mechanism needed.

### **2. No "Off the Record Discussions" at Hearings Policy/Pilot Program REMOVE**

**PEF inquired as to the purpose of the no "Off the Record Discussions" Policy/Pilot Program which is currently employed in the Hauppauge and White Plains hearing locations. PEF inquired what the WCB hoped to gain in terms of this policy/pilot and whether the WCB planned on expanding this policy to other hearing locations. Has a timeline been established for measuring the results of this new policy/pilot project and/or further roll-out to additional hearing locations?**

Management responds that due to the operational need for clean and thorough record, calendar efficiency, and better preparation of the parties, this pilot program will continue in Hauppauge. If this program continues to be a success, Management will explore expanding it to other districts.

PEF's position is that this policy has significant disciplinary consequences for both WCBLJ's and verbatim report II's. Therefore, PEF indicates that any policy or pilot that implicates such consequences is mandatorily negotiable under Section 209-a(1)d of the Taylor Law. PEF hereby makes a demand to bargain over the unilateral imposition of this policy.

Management responds that this policy is based on operational need and not mandatorily negotiable, because it's within Management's authority to set policy on the conduct of hearings.

PEF respectfully disagrees and has provided notice to Management of intent to file an improper practice charge at PERB on the instant issue.

### 3. **Paid Family Leave Benefits REMOVE**

**PEF requested Management provide an overview of how the newly enacted Paid Family Leave Benefits program is envisioned to operate. Is a new unit being created to handle this benefit? If so, how will the unit be staffed, what titles and salary grades. Will new or additional staff be hired to oversee this program?**

Paid family leave benefits will be provided by the insurance carriers in a manner similar to how disability benefits are provided today. Disputes will be handled through an outside arbitration process. Therefore, the staffing need at the Workers' Compensation Board is expected to be relatively minimal. There is currently no plan for the staffing of a specific Paid Family Leave unit.

**PEF inquired as to whether or not New York State has opted into the Paid Family Leave program and how will this effect NYS employees?**

Management will defer this to the Governor's Office of Employee Relations on a Statewide basis.

### 4. **Quality of Documents in CIS REMAIN**

**PEF inquired whether anything could be done regarding the increasing poor quality and legibility of documents in CIS? PEF further noted that some documents appear to have been scanned and/or faxed multiple times prior to being submitted to the WCB for scanning which may be causing some of the issues.**

PEF has provided a list of examples for Management review.

ACTION ITEM: Management will review the examples and respond to PEF at the next meeting.

### 5. **Next Meeting Date**

The next Statewide Labor-Management meeting is tentatively scheduled for Tuesday, April 25, 2017 @ 9:30 a.m. at 1168-70 Troy-Schenectady Rd., Albany, NY.

Meeting began at 9:10 am and adjourned at 11:10 a.m.

**BPR Update**  
**October 25, 2016**

As described in the previous report, the Board's Business Process Reengineering (BPR) project is a multi-phase initiative aimed at improving the efficiency and effectiveness of Board processes to enhance the experience of all stakeholders. The Workers' Compensation Board Business Process Re-engineering website [http://www.wcb.ny.gov/BPR/BPR\\_overview.jsp](http://www.wcb.ny.gov/BPR/BPR_overview.jsp) continues to be updated with current information regarding the status of a variety of BPR initiatives.

**Phase One**

**Medical Portal** – Will enable providers to submit MG 1s, MG 2s and C-4 authorizations electronically to carriers to respond to online. All parties of interest will be able to see the status and outcomes. Electronic notifications will be sent when there is a change in the status of the request.

This will significantly decrease the turnaround time for delivery of medical care and eliminate the scanning of a large amount of paper.

Recently, an additional requirement has been added to the prototype that has slightly elongated the implementation timeframe. Currently testing is continuing and end-user training materials are being developed. A beta release, to a limited number of users, is being scheduled for next summer.

**Virtual Hearings** - as previously announced, virtual hearings will allow all POIs to participate in their hearing from any location where they have internet connectivity and access to a PC/Laptop and a camera. This will make it easier for claimants to participate without having to go to a hearing location. They will be able to participate from their homes or their attorney's office.

A Fall 2016 initial release had been planned, however it was decided that the claimant interface involved too many steps and would be difficult to utilize efficiently. Therefore the process for logging into a hearing, and the process for judges to call a hearing, is being reworked. At this point development work is underway. A Fall 2017 initial release is anticipated.

**Compliance and Monitoring** – the FROI monitoring has been implemented. Monitoring has demonstrated that compliance has increased significantly. Quarterly statistics include:

- 4Q15 - 72% compliance
- 1Q16 - 76% compliance
- 2Q16 - 80% compliance
- 3Q16 - 79% compliance

Carriers are currently being trained on additional measures that are anticipated to be rolled out in the second quarter of 2017.

**Section 32 Settlements** – The new process which expedites the awarding of a Section 32 has been implemented. Although statistics about the increase number awarded since/due to the process are not available, it should be noted that the Claimant Video explaining Section 32s has been viewed almost 15,000 times.

## Phase Two

Phase Two of the BPR was launched this summer with BPR Road Shows being conducted statewide. These forums provided the opportunity for stakeholders to provide input and make recommendations. The components of Phase Two include the following.

**Business Information System (BIS)** – Requirements gather is underway. The summer road shows were utilized to gather stakeholder requirements. Development of a request for proposal to build the new system are also underway.

**Website Redesign** – Efforts are underway to update the website to comply with the Governor’s messaging strategy and to make it easier for stakeholder to maneuver.

**Hearing Center Modernization** – The Board has established a hearing center prototype, the specifications of which have been largely implemented in the Riverview site. We are currently reviewing existing WCB locations to determine their alignment with the prototype and quantify what would be required to implement the various components associated with the prototype.

## **Action Items**

From the  
October 25, 2016

### **PEF LABOR/MANAGEMENT MEETING**

<b><u>WHO</u></b>	<b><u>WHAT</u></b>	<b><u>DATE DUE/STATUS</u></b>
Management	Management will get back to PEF if it is feasible and/or doable to add an exit door in Hearing Room 116F in Hauppauge; a hearing room in Syracuse and 2 rooms in Newburgh.	By the Next Meeting - April 25, 2017
Management	Rollout plan for retrofitting desks in hearing parts (Statewide) - once Management has developed a roll-out plan, the plan will be shared with PEF.	When available
PEF	Time Limits Imposed on Hearings - PEF will talk to their members and obtain specific examples. Once the data is collected PEF will return it to the agenda.	Await to see if added to agenda for future meeting
PEF	Notification of New PEF-Represented Staff - PEF Council Leaders to provide HRM a list of employees who did not receive orientation packets at, or near time of hire.	Within 30 days from 10/25/16 meeting
Management	Quality of Documents in CIS - Management will review the examples provided by PEF and respond at the next meeting.	At next meeting April 25, 2017