

PEF/OCFS STATEWIDE L/M
Tuesday, November 15, 2016
PEF Headquarters
Latham, NY
Conference Room A

DRAFT MINUTES

ATTENDEES

PEF

Mikki Ramos-Ensslin
Bill Nolan
Sharon Robinson
Robin Matthews
Bernard Johnson
Susan Radosh, PEF Field Rep
Vickie Drake, PEF Recorder

MANAGEMENT

Carol McClellan
Annette Grant
Derek Holtzclaw
Joe Mancini
Pamela Kelly
Emily Stooks
Amelia Barbadoro
Donna Fesel
Mary Carli
Tonya Boniface
Maria Tedesco
Carol Norfleet

New Business:

1. Justice Center

Who does the investigation for Adult Vulnerable Persons with Mental Retardation in homes/facilities (i.e., Family "Type Homes for Adults)?

Management stated in 2013 it was decided that Child Abuse Specialists in the agency would conduct 24 hour investigations for family-type homes licensed by counties. OCFS does not investigate facilities run by OPWDD. OCFS investigates other facilities in New York State and reports back to the Justice Center. More serious cases are done by the Justice Center. Investigations are something the Child Abuse Specialists have been doing since 2013. Child Abuse Specialists are now Child Abuse Prevention Specialists; prevention is a new part of the title.

PEF asked if employees were trained in dealing with the adult population. Management responded that staff are trained to do investigations. The division also has a Protective Services to Adults Unit, and there are two people in New York City who are available for counseling and assistance regarding this. PEF wanted to know why was this

responsibility taken from the City. Management does not know. PEF asked if we could get some additional training for this. Management will take back and explore training – do not think anyone would have a problem. Alan Lawitz and Deb Greenfield are available for consultation and able to assist.

PEF asked when did the title change to Child Abuse Prevention Specialists? Management said approximately one year ago. PEF asked how many employees are in that title statewide? Management said there are approximately 30 items that are divided between all regional offices. PEF asked if these titles received Recall Standby Pay. Management stated that every CAPS item number is on the Standby Recall list. Items are on the roster but that does not mean every person will be paid Standby Recall Pay, but they have to be on the list in order to receive the pay. PEF stated that if employees are not receiving Standby pay, they should not be carrying a beeper. Management requested PEF give them the names of the people and OCFS will look into. PEF asked how many cases are these employees carrying on average? Management will get this information and provide to PEF; the information will vary by region.

2. LATS

- 1) Do we have a contact person at OCFS Personnel that can be of assistance with BSC issues?**

Management said they do not have a contact person in OCFS. Employee has to contact BSC. Contact information has been sent out to employees. Employees need to get a ticket number from the BSC. If they receive a ticket number, and do not receive a satisfactory response, they should report to OCFS management who will look into the matter.

- 2) What is the BSC protocol and codes used on LATS for individuals out on Worker's Compensation?**

OCFS notifies the BSC and then completes a form for BSC so the Workers' Compensation code can be activated and the individual can use the code. OCFS is not always notified when an individual is on Worker's Comp. Personnel is working closely with facilities/offices to ensure timely notification of status changes. Personnel has always had to be notified when an employee is out, the only difference now is that Personnel must notify the BSC. The procedure for facilities/offices remains the same.

- 3) Is management getting accurate reports on individuals on Worker's Comp leave?**

Management is not sure what this question means. Personnel can run reports of those employees out on WC leave, but it is only as accurate as the information received. Program areas and facilities should be telling the supervisor to reach out to Personnel when employee goes out on Worker's Comp.

4) Provide PEF with list of contacts in Personnel

The contact list for Personnel is available on the OCFS intranet site under the Human Resources tab. There also is a dedicated mailbox for Worker's Comp. and FMLA related correspondence. FMLA and Worker's Comp transactions done by OCFS is handled by Tonya Russell. Ms. Russell is the Manager over the Unit. Her contact information is listed under the Human Resources tab of the intranet site.

5) Update PEF when staff works a holiday or their pass day, staff was able to forego lunch, work 8.0 instead of 7.5. Now BSC doesn't allow staff to work 8.0, why not, what has changed. Why hasn't there been any communication provided regarding this.

If an 8 hour employee works through lunch, they need to document it on their LATS. If they are not receiving proper compensation, they would need to bring it to the BSC's attention. OCFS as an agency, with prior supervisory approval, allows employees to work through lunch. BSC acknowledged this when OCFS reached out to them on the issue. OCFS Personnel needs to be provided with the names of the individuals by PEF. PEF stated there are 8 to 10 employees affected by this – Bruce Walsh, SCR, will give a list to Personnel for this. OCFS needs individual names of employees who are not being properly compensated to look into the concerns.

6) SCR staff doesn't get overtime pay on holidays when they should for their shift, i.e., 10-6pm or 2pm-10pm. Also, when staff works OT 6 hours they receive extra 2 meals paid but it has been rejected by BSC, why?

PEF asked if Management would like a listing of those staff who were denied 2 OT meals by the BSC? Management responded yes, Personnel needs the names of individuals. Management stated the holidays are coming and an email has been sent to staff telling them how to code their timesheets. Staff know how to code but BSC is not familiar with 24/7 operations so they are questioning some of the coding. Management is trying to work with BSC but they need to know specific people with issues for Management to go to BSC. If employees have a problem, they should be contacting BSC directly to resolve. If that doesn't work, the employee should contact Personnel with their ticket number from BSC. The employee has to go through BSC first; BSC will not assist OCFS without a ticket number from the employee. Election Day has occurred so if PEF can provide a list of people, OCFS can verify to see if BSC accepted. If accepted, then Thanksgiving won't be a problem.

7) SCR staff get paid standby OT adjustment but BSC is rejecting.

OCFS received an update on November 3rd. BSC realized they have not paid these employees. The money will be in the 11/16/17 paycheck per BSC. Management has no way of checking to see if this happens. PEF needs to let Management know if staff are not receiving the correct compensation. PEF asked who would make a decision on Standby Recall. Management stated the Standby Recall was not being utilized correctly. People were receiving Standby Recall Pay and they were not being called back to work. PEF stated this is not the employee's fault. Local program needs to know how Standby Recall works. At this point, Management has ended Standby Recall for certain titles, and that is how it will remain. PEF stated the agency has staffing shortages, people working double shifts and being injured at the State Central Registry. Management's intent is to have calls answered. Management's opinion is that Standby Recall will not be reactivated at the SCR in the near future. PEF asked if we show concerns and issues, may we bring this back to Management to look at for the SCR? Management will look at.

3. DJJOY Strategic Plan for OCFS

1) PEF requests an update on the Strategic Plan for OCFS.

New York Model – last training being done at Brookwood in January. Began work group to create New York Model. Group developed core principles of New York Model. Working with Cornell to have opportunities for youth when they come out. Looking to replicate the statewide program in New York City in the CFO's throughout the State.

4. OCFS Mediation Program

1) Provide PEF information regarding OCFS external mediation program (Mediation Matters).

Have contracted on pilot basis with Mediation Matters

2) Who makes referrals?

No one has been referred. Referred on a number of types of levels – final referral goes through Personnel Office. Participants have to agree to participate. If not, that's the end of it. Management has referred a few individuals, but they did not agree to participate.

3) Provide PEF stats as to how many PEF members have used it.

See number 2 above.

4) Who is on the mediation committee?

There is no mediation committee. If employees choose to participate in mediation, Management would only be advised of their participation, not of any discussion or outcome. PEF asked if the mediation contract is used by other agencies? Management responded only used by OCFS. Currently there have been no staff willing to participate in the program, so we do not know if it's valuable. Ed Bradley, PEF Field Rep, was involved in initial discussions about the mediation program.

5. Fatality Reviews

1) PEF requests information regarding NYCRO being the only office that's still doing their own fatality reports.

OCFS created a unit in home office that is taking fatality reviews for all upstate regions. New York City has their own unit. The Home Office unit does not have enough reviewers provide services to all of the State. PEF asked if more people will be hired for the Unit. Management responded they do not know if more staff will be hired for the Unit. Since the Home Office unit has only been in existence for a couple of months, a review will be conducted to see if more staff are necessary once it has been in effect for a longer period of time.

PEF asked how many fatality reviews New York City does versus other units. Who does fatality reviews for other regions? Management responded CAPS complete these reviews. New York City has a specific unit for fatality reviews. Unit created is handling all reviews for rest of State. PEF asked how many New York City is handling. Management responded 6 or 7. PEF asked if there is a plan to staff New York City? Management responded they do not know what the long term plans are; the Unit was established in August. PEF asked who runs the unit located in the home office. Ann Johnson is the Manager and she reports to Lisa Gordon. Individual offices have been told to do fatality reviews and all offices have been informed.

Old Business:

1. Staffing Issues

1) PEF requests an update on the plan for filling vacant items for Medical Director position and Director of Nursing position in facilities.

Currently interviewing for Medical Director and Director of Nursing positions.

2) Is agency in violation of health department regulation regarding AED?

Management has not heard anything from OSHA or PESH about any type of violation.

3) There is a shortage of nurses in facilities; what is Management's plan?

We have the ability to hire temporary nurses to fill in the gaps. The hiring rate of \$22 per hour for a nurse is a problem. This is a State of New York issue, not an OCFS issue. PEF stated there are nurses covering two facilities with no plan at either facility to staff. Non nursing staff are covering; there is no adherence to seniority policy. Management stated they are not prepared to talk about this. PEF stated staffing is a very serious problem for OCFS. Management responded there are no staffing issues at this time. All levels are where they are supposed to be. Always have had an issue retaining nurses. New York State has determined what company's agencies can contact for staffing. Agencies can only pay what OGS says we can pay these nurses/clinical staff. OCFS has contracted out for nurses. OCFS hires first; when they cannot hire, they go to contracting for nurses. OCFS Commissioner has instructed staff to provide staffing reports. Reports are provided by each facility showing staffing levels. Commissioner reviews these reports; OCFS does not take staffing lightly. Agency is doing everything it can and is just as concerned as PEF about the staffing issue.

2. OCFS Restraint Policy and Procedures

1) PEF requests an update on the pilot for the CPM technique bringing a resident from a seated to standing position?

Pilot went live January 2016.

2) PEF requests an update on intake YC1's who are CPM certified and work in facilities to assist with crisis responses.

Management needs more clarification on this request. Typically, they do not get involved. Intake YC1's only at McQueen. Brentwood calling for YC1's to help out. They are not trained in CPM. PEF asked what happens if they are involved in a situation. Management will look into; thought those that went in were CPM certified.

3. Facility Closures – Tabled

4. Hazardous Duty Pay

1) PEF requests follow up information from Management (Mary Carli) regarding Hazardous Duty Pay.

Hazardous Duty Pay has been a concern for a decade now. Employees feel that what they do is similar to that of a Parole Officer. Hazards OCFS employees face are the same. Based on that, trying to have employees receive Hazardous Duty Pay. Might amount to \$600 per year. PEF gave examples of situations that have occurred when executing an OCFS warrant and why it's hazardous. Management

stated Civil Service feels differently but OCFS will submit the request to Civil Service.

5. Workplace Violence

- 1) **PEF requests an update on the STOP (Staff Trauma Outreach Program) implementation.**

STOP (Staff Trauma Outreach Program) – Management indicated that OCFS does not currently collect data on referrals but are developing a system to collect on a monthly basis.

- 2) **PEF requests stats on the usage of STOP.**

See number 1 above.

6. EAP - Vacant Positions in OCFS

- 1) **PEF requests an update regarding Multi-Agency EAP in New York City.**

OCFS is part of a multi-agency group that will be sharing an EAP Coordinator with at least OTDA and there may be other agencies. OCFS will have the employee for 20% of the time. Kimberley Roblin has been appointed and will be located on the 23rd Floor of Maiden Lane, in room 2306A. Will have signage indicating EAP Coordinator.

OCFS is in preliminary discussions to join multi-agency EAP effort in the Long Island area; we have been approached by another agency for this. MOU between OCFS and EAP has not been signed yet; currently under internal review. PEF asked if OCFS could let the Buffalo Region know where the EAP person is located. OCFS will let the Buffalo Region know where the EAP person is located.

Reports:

1. Sub-Committee Reports

- 1) PEF reported a meeting of the Alternative Work Schedule/Telecommuting sub-committee took place. PEF provided names of four individuals who made requests for an Alternative Work Schedule. All were CPS1's in the Capital District. PEF gave examples of employees with situations where an Alternative Work Schedule would be beneficial. PEF provided this information to Labor Relations. PEF followed up with Labor Relations and resend applications again for the Alternative Work Schedule. PEF followed up again a week or two later and received no response. PEF would like a response to these applications that were denied after receiving supervisory approval. PEF would like to know why

they were denied. If the program area is okay with the request, what's the higher reason for denying? Management will look into this.

- 2) Person retired that was participating in the Nurses sub-committee. This seems to be a committee that meets if there is an issue or concern. Whatever the issue was, we worked it out through the sub-committee. OCFS could not remember what the issue was but the sub-committee is a good start to get the ball rolling. Staffing and pay issues would have to go to Civil Service to ask for an increase.

Information:

1. Office Moves

- 1) **PEF requests an update for Nassau County alternative site.**

No update for Nassau County alternative site. PEF reported the OCFS office in Suffolk County is 33 miles away from Nassau County; this is creating a hardship for many families. Management stated they are looking into this.

- 2) **PEF requests an update on the status of security assessment at Rochester Regional.**

Rochester Regional - OGS contacted landlord regarding entry to building – OCFS not notified of incident. Manager will notify OCFS in the future. Trying to hone in on security there.

- 3) **Provide PEF a plan for the implementation of the Security Plan in Buffalo.**

Buffalo construction on the 5th floor was completed last month. Staff have been relocated to the 5th floor. A security guard has been hired and will be located outside of the Special Hearing suite. Division Managers are working on duties for the security guard. Buffalo office is shaping up.

- 4) **Provide PEF an update on installing intercom at Rochester Regional.**

Have to wait until the lease is signed at the Rochester Regional office and then the intercom will be installed.

2. Update on Upcoming Exams and List Status

- 1) **PEF requests an update on upcoming exams and lists expiring.**

Civil Service determines when exams will be given. All existing lists are good for 30 days after a new list comes out. Civil Service does this to avoid making provisional appointments. You will see both lists until the old list is closed out after 30 days and Civil Service updates their site. OCFS has list; doing exam

planning at this time. OCFS is in the process of putting in exam requests for 2017/18. OCFS will look at requesting the CPS 2 exam.

2) PEF requests a certified coded eligible list from the Human Resource Department for Family Children's Specialist 1.

PEF should obtain information on eligible lists from Civil Service since they maintain the official eligible lists.

3) Provide PEF a list of the training positions with OCFS

4) Why was Child and Family Services Specialist 3 exam given on September 10, 2016, when the previous list was extended to 2019?

Exam 37-801 for CFSS 2 will be held in January 2017. Still have extended list for this that is good until 2019. Management responded that once a new eligible list is established, 30 days after, all prior lists will be abolished.

OCFS needs clarification on this issue. PEF gave example of training position. Traineeships offered to CFS 1's; exams scheduled for next year; has been very successful for individuals new to State government. Traineeships – lower level first year then after two years go to a Grade 18; had to have taken the Professional Careers exam; will be offered in April of 2017. Currently have a CFSS 1 eligible list; once exhausted, will be using traineeship lists for these positions. We get a larger candidate pool. PCT exam is good for many different agencies. PEF asked if they will still be offering separate exams for minority titles. Management responded yes.

PEF asked when the YC 2 test will be held. Management responded it will be coming out soon.

3. OCFS Mandated Trainings

1) PEF requests report out of completed mandated training to date.

Agency is at 8%. Two courses just released so it brought data down. Sixty percent of the agency's staff have some level of completion of some of the courses. OCFS is dependent on GOER for the training materials. PEF stated that over 50% of agency staff does not have access to all of the courses. Employees should not be registered for things they don't need to take. Management stated greyed out courses don't need to be taken. Supervisors and staff receive an automated email of those courses they still need to take. The problem is keeping lists updated. Management does not yet have a full accurate accounting of supervisors. Agency has no control over when trainings will be offered; have not been told by State when updates will be offered. Management will take into

consideration when trainings are coming out and when employees could take them.

4. PEF Access to New Employees and Other Employee Concerns

- 1) PEF requests an updated list regarding the new members at Maiden Lane, transition Close to Home if list can be provided, when hired to ensure union has access to complete a proper orientation to new employees.**

OCFS just sent information to PEF. PEF asked when someone is hired, what is the process for informing PEF? OCFS is currently working with Mikki Ramos-Ensslin on this process. Mikki is working with Jeremy Fisher, the OCFS Personnel staff person assigned. If PEF gives OCFS a contact for each of the geographic regions, OCFS will make sure to take care of getting the information to them including New York City. PEF should send the information to Mary Carli at OCFS.

- 2) PEF requests EODD (Equal Opportunity and Diversity Development Office) new Director, Amelia Barbadoro come to a meeting.**

PEF and Amelia Barbadoro met yesterday and was present at the Labor/Management today.

- 3) PEF requests an update on the status of the Professional Career Opportunity Job Analysis study.**

Management stated this is something that Civil Service is responsible for. Civil Service contracts with agency for this. Any information will be received by OCFS from Civil Service. It's a big undertaking.

- 4) PEF requests information on both lactation and other medical accommodations at OCFS.**

- a. Is there a sign-up sheet and if there's a possibility that it will be in use at that time by others who need to use the room, will OCFS provide multiple designated areas for lactation/medical accommodations?**

The policy for expressing in the work place being reviewed by program areas at this time.

OCFS would like clarification concerning information requested on medical accommodations. PEF gave a person with diabetes as an example of someone needing a medical accommodation. OCFS responded this would go through the reasonable accommodation process. Space would be included as a result of the reasonable accommodation. OCFS is only aware of one employee needing this at this time. When policy is out, it will be clear. PEF asked if there is a designated

spot in every work site. Management responded it's done on an as-needed basis. PEF stated the employees should know where the spot is. Management stated the employee should contact their supervisor who should reach out to Personnel. Supervisor should let them know a policy is available. PEF stated it may be a problem having to provide such specific information. Management stated the information is required under the Labor Law. PEF contends there is no requirement for an end date for lactation. Management stated the policy is required by the Labor Law. PEF contends the policy is required but OCFS is creating the policy and PEF would like no end date in the policy. Management indicated PEF will get to review the policy. OCFS has been able to provide separate rooms for breast feeding.

- 5) **Why was the Statewide Central Register Standby Recall ended?**
- 6) **Is there an end date for SCR mandatory OT?**

Management determined that it was not the best way to manage the overtime that was needed at the Statewide Central Register because of gaps in coverage. PEF asked now that we are mandating individuals to work at the State Central Registry, are we meeting the 85%? PEF stated the Standby Recall roster being taken away is a problem. OCFS has provided an explanation for doing away with Standby Recall. People were getting paid for not working. OCFS has to look at and come up with a solution. Mandatory overtime is what we are doing now but we are looking into other solutions for solving the problem of coverage. PEF has an issue with equity of how Standby was administered. PEF asked why OCFS could not correct the Standby system. Mandatory overtime is what OCFS has come up with for now. Standby is a tool OCFS uses for events. Mandated overtime is a mechanism that we will use to fill gaps. We are looking at other solutions at this time. PEF asked which cost more, Standby Recall or mandatory overtime. OCFS explained they had people being paid for 24 hours per day. PEF employees do not have a problem with the Standby Recall. PEF feels OCFS has a problem with Standby Recall. PEF would like a breakdown of who Standby Recall was paid to. OCFS responded it's in the contract.

5. Access to Form B Data Submitted by the Consultants

- 1) Information provided in the form of a handout from OCFS to PEF.

NEXT MEETING DATE: Thursday, February 16, 2017 at OCFS, 52 Washington St.

Minutes from the November 15, 2016

PEF Labor Management Meeting

The parties have reviewed the attached recorded minutes from the above meeting of the PEF Agency Level Labor/Management Committee and by the signature affixed below, the minutes are hereby accepted.

Mikki Ramos-Ensslin 3-10-17
Mikki Ramos-Ensslin Date
PEF Co-Chair

Carol McClellan 3/6/17
Carol McClellan Date
OCFS Director of Labor Relations