

**Council on the Arts, PEF Division 364**  
**300 Park Avenue South**  
**New York, NY**  
**December 20, 2016**

**PEF:**

Chiu-Rinaldi Fabiana  
Evans, Judy Co-Chair  
Pecchia, Jerry Co-Chair  
Quarles, Lisa Field Representative  
Putnam, Rita

**Management:**

Manus, Mara  
Maxwell, Petra  
Mohrmann, Richard Chair  
Smith, Ona Human Resources  
White, Megan

**Old Business**

**I. Staffing**

PEF thanked management for the most recent hiring of an Arts Program Associate, G-18 [Operations]. However, PEF is still concerned with the continuous contractual work of temporary staffing for work that is not seasonal but ongoing. PEF asked if permanent positions would be created due to the loss of two PEF G-23 members [Liz McAleer and Zundra Dilworth]. The loss of these members would bring NYSCA's agency fill level to 28; therefore, the agency's fill level of 30 has not been fulfilled.

**Management** informed PEF that there might only be one opening [possibly G-18 PEF] since one of the staff from the Executive team will take up one of the two open lines. This will bring the agency's fill level to 29. The posting for the vacancy should be forth coming sometime in mid-January of 2017. Management will get back to PEF when the fill levels are met.

**A. Staff Handbook**

PEF asked for an update on the 2011 Staff Handbook and a timeline of when the current draft would be available for review.

**Management** is awaiting updates from GOER. Management has been working with GOER for some time. However, the various transitions within the Executive team and their representatives, has prevented completion. Management acknowledged the delays and will work with GOER to have the revisions completed as soon as possible. Management will keep PEF updated on progress.

## II. Health & Safety Committee Concerns

### *A. AED Defibrillators and Training*

PEF thanked Management for the brand new AED [Automated External Defibrillator] equipment and the CPR [Cardiopulmonary Resuscitation] training. PEF suggested that staff continue to participate in CPR training so that CPR certificates do not expire as in the past. PEF also indicated that the signs for the AED equipment have not been displayed.

**Management** asked how often CPR training is offered and PEF advised it is offered every 2 years. Management agreed that CPR training should be continued to retain certifications and that the signs for the AED equipment should be displayed.

### *B. Ergonomics*

PEF asked management whether or not a detailed assessment was available referencing the ergonomics evaluation from Humanscale that was held on June 1, 2015. The report that was submitted lacked details and appears to be generic.

**Management** acknowledged that the report provided to PEF was the only report submitted. However, since the evaluation is over a year old, management agreed to consider another assessment sometime in the future. All agreed since the agency has hired new staff.

### *C. Accommodations for Fire Safety System*

PEF thanked management [agency's HR Liaison] for keeping in touch with the building maintenance staff referencing the alarms testing [strobes and horns] and for sending email notices to the staff in advance so that the affected staff can plan their workday accordingly.

## III. Staff Roles

### *A. Reporting Structure*

PEF would like clarity on NYSCA's staff roles since there has been a change in personnel. A request was made for an updated organizational chart in an attempt to have on record who reports to whom and agency hierarchy. The most recent chart was provided in March 2016 by management. It lists staff who are no longer employed with this agency.

**Management** agreed to this request [no date established]. The Executive Director requested a copy of the March 2016 version from PEF.

## **B. Communication**

At the last meeting, management agreed that going forward emails where tasks are required would have an action note in the email or on the subject line of the email. PEF requests that this continue since clarification of tasks is not always clear to new staff members [SG-23].

**Management** agreed and acknowledged that such emails should be reinforced and thanked PEF for the reminder.

## **IV. Rotation of Labor /Management [L/M] Meeting Minutes**

PEF reiterated that there be a rotation of the L/M meeting minutes between PEF and management since the PEF recorder is usually committed to other meetings. PEF volunteered to take minutes at this meeting.

**Management** agreed on the minute's rotation between PEF and management. As always, both parties must review and approve minutes.

## **New Business**

### **I. PEF Membership Orientation**

PEF noted that new members should not be receiving PEF packets from Human Resources but from PEF Stewards who will also provide union orientation. PEF Stewards will assume this responsibility and provide member orientation.

**Management** will have Human Resources Liaison contact the Business Service Center and inform them not to send the PEF packets to new PEF employees.

### **II. New Members' Agency Orientation**

PEF was concerned that new members are not clear on the delineation of their tasks in opposition of MCs [G-27s]. PEF requested that there be orientation for new members which will clearly outline the tasks of MCs versus G-23 [program directors and officers], noting that there should be a greater transparency and clarity of the roles for the G-23. PEF noted that in referencing the email addressed to ~Program Staff~, the copied line used has been helpful.

**Management** agreed that it is important to ensure staff roles and tasks are clear. Where appropriate, managers will make distinctions in messages. Management will institute a separate meeting for the G-23 Arts Program Officers to confer on the workflow and other concerns.

### III. Labor /Management [L/M] Committee Joint Training

PEF proposed that since the agency has new staff, that there should be another Joint Labor Management training session. Early at the start of the meeting, management's representative proposed a question referring whether or not there was an agreement on flow of operating the meeting. PEF responded that there had been Labor Management training. Both PEF and management representatives that had previously attended agreed that the L/M Joint Training held on December 2, 2015 was beneficial.

**Management** agreed to consider such training in the future, but no definitive date is established.

### IV. PEF Annual Performance Evaluations

**Management** announced that it is renewing its commitment to the Annual Performance Evaluation Program for NYSCA staff, including PEF members. Management will be correcting past deficiencies in the program and is in the process of developing evaluation materials with OGS Human Resources. Representative from OGS HR explained the basics of the PEF Annual Performance evaluations and noted that this is a tool used to rate an employee's performance on pre-established standards. The program is not a punitive measure but an opportunity to recognize an employee's strengths and weaknesses and develop training plans where appropriate. Management advised PEF that this will commence January of 2017 and will be used throughout the agency. PEF was also informed that after today's LM meeting there would be a training session designed for supervisors, yet all staff was able to partake in the presentation given by the OGS Human Resources administrator.

PEF proposed that job descriptions be made available to members in advance of their evaluations so the individual knows what is expected of him or her.

**Management** responded that the job descriptions are being developed. However, the date available to review the job descriptions was not determined.

Both PEF and management agreed that the performance evaluations will give staff the opportunity to improve and be recognized for doing the job that they were hired to do.

### V. Workweek/ Workday

**Management** acknowledged that the established NYS rules for time and attendance had not been implemented in recent past at NYSCA and that, as NYS employees, all employees are accountable for their attendance. Management advised that habitual tardiness and excessive

unscheduled absence will be addressed through administrative means such as counseling and, if necessary, disciplinary action. Management recommended that PEF advise members of the consequences that will follow if employees abuse or “steal” time. Management advised that each employee has a designated start time for work, typically between 8:00 am and 10:00 am. Staff that arrive after their designated start time, without prior supervisory approval, are considered late (tardy) and must document such on their LATS time sheets. Also discussed was that unscheduled absences must be documented on the LATS time sheet using an “unscheduled” code from the drop down menu. Guidance on time and attendance will be issued to staff in the form of a policy memo.

It was acknowledged that some staff are attending work related performances or events after work hours or beyond their normal work hours. In those instances, the employee may discuss with their supervisor the possibility of altering their work schedule the following day by coming in later. However, employees will not be allowed to `bank` hours to be utilized on other dates.

PEF agreed that members would be strongly advised to adhere to the civil service rules and regulations of time and attendance. PEF advised that the union considers anything outside of the submitted time sheets is considered “time keeping” in violation of the members contract [Article 12.17] which includes the current online calendar. PEF noted that supervisors should keep an ongoing dialogue with specific staff that they are concerned about. PEF asked management to be consistent and deal with this issue uniformly to not seem discriminatory. PEF wants to ensure that the conversation with affected staff is ongoing.

#### **Off Hours Presence in Office**

**Management** disclosed that some staff were coming into the office on the weekends, scheduled days off or remaining at work past their scheduled shifts for no legitimate business purpose. Management advised that it is contemplating policy prohibiting such access to the NYSCA offices unless specific approval is provided by executive level staff. Management pointed out that unauthorized access poses both health & safety and liability concerns.

PEF was not aware of members [staff] working in the office on weekends and encouraged management to address their concerns to the alleged staff and determine what would be the basis for working on the weekends. PEF mentioned that perhaps writing is difficult to do during the normal workday. PEF will communicate all information to the members.

#### **VI. Outside Work Policy**

**Management** advised that members should not be working on outside projects that may conflict with NYSCA’s mission. Doing such could be considered an ethical violation. The example given was if the staff member consults for an arts group that has applied or may apply for a

NYSCA grant. Management stated that the JCOPE [Joint Commission on Public Ethics] mandate does not affect the membership since the members are not policy makers.

Although the members are not affected by JCOPE, this will also be communicated.

PEF suggested that this would be a good time to update the personnel manual. If this is not already in place, this should be added to the personnel policy. Currently, all staff signs a conflict of interest statement on a yearly basis [Affiliation Statements]. PEF noted that this form is the same form that the Council members and the panelists complete which is located in the NYSCA portal.

**VII. Items for the Next L/M Meeting**

Set up the next agenda based on the outcome of this meeting [December 20, 2016]

**VIII. Propose Dates for the Next L/M Meeting**

Continue meetings quarterly, with the next one scheduled for either March 7th, 8th, or the 9th of 2017 at a time to be determined.

**Action Items:**

- i. Management will get back to PEF regarding staff openings.
- ii. Management will update Staff Handbook.
- iii. Management to continue work to set up AED defibrillators signs and will make sure that CPR training is current. [Signs were posted in February 2017].
- iv. Management will reach out to outside vendor [Humanscale] to set up a new assessment for all staff and will get back to PEF with a date.
- v. PEF will send March 2016 Organizational Chart to the agency's Executive Director for review.
- vi. Management will distribute updated Organizational Chart to PEF to staff.
- vii. Management will get back to PEF as to when the application can be filed with GOER for the L/M Joint Training.
- viii. Management agreed that going forward emails where tasks are involved would have an action note in the email or on the subject line of the email to delineate tasks assigned to members and non-members.
- ix. PEF will communicate with members the time and attendance and workweek/workday policies.
- x. PEF will send out email to committee to determine the next quarterly meeting [March 7<sup>th</sup>, 8<sup>th</sup> or 9<sup>th</sup> of 2017].

- xi. Management will finalize and share with staff their job descriptions in advance of their performance evaluation reviews.
- xii. PEF will inform members of ~Outside Work~ rules.
- xiii. Management will add Outside Work policy in the agency's Personnel Manual.

The meeting started at 1:41 pm and was adjourned at 2:47 pm.

PEF Division 364, Council on the Arts  
Labor Management [L/M] Meeting Agenda, 2016 3rd Quarter  
December 20, 2016 from 11:00 am – 12:00 pm  
NYS Council on the Arts  
300 Park Avenue South, 10<sup>th</sup> Floor  
New York, NY 10010

### Old Business

- I. Staffing
- II. Health and Safety Committee Concerns
- III. Staff Roles
- IV. Rotation of L/M meeting Minutes

### New Business

- I. PEF Membership Orientation
- II. New Members ' Agency Orientation
- III. L/M Committee Training
- IV. PEF Annual Performance Evaluation
- V. Workweek/ Workday
- VI. Outside Work Policy
- VII. Items for the next L/M meeting
- VIII. Propose Dates for the next L/M meeting

### Action Items