

New York State Department of Labor
Statewide PEF LABOR-MANAGEMENT MEETING
February 15, 2017

MINUTES

MANAGEMENT	
Darlene Shattuck, OER Director, Co-Chair	Roberta Reardon, Commissioner
Mary Batch, Dep. Comm. Employment Security	Nathaalie Carey, Dep. Comm. Administration and Chief Financial Officer
Milan Bhatt, Assoc. Comm. Worker Protection	Maura McCann, Labor Standards, Director
Chris Alund, Public Work, Director	Paul Danaher, Property
Kathy Elfeldt, Finance, Director	Eileen Franko, DOSH, Director
Selica Grant, DEOD, Director	John Triller, DEWS
Susan Borenstein, UIAB (MOVI)	MaryAnn Wilson, Personnel - LEAD
Jeanette Lazelle, DIPA, Director	Lisa Burrell, Personnel
Carl Boorn, UI, Director	Jennifer Williamson, Personnel
Sandra Koslow, OER	Richard Wilcox, Administration ITS Liaison
Suzanne Piccirillo, OER	Miguelina Williams, OER
Patricia Cahill, OER Mgmnt Recorder	Jere Ruffin, OER
PEF	
Bob Beckwith, PEF Staff	Nancy Holford, PEF Recorder
Heather Gaeta, PEF Co-Chair	Scott Ray, PEF
Scarlett Ahmed, PEF	Angel Cook, PEF
Ed Swierkowski, PEF	

HANDOUTS

Budget Section:

1. Federal, State Budget, UI Trust Fund Status Update
2. Monthly Summary Position Allocation & Spending by Major Division
3. PEF Count of Employees by Division
4. Permanent Employees
5. PEF Hourly Employees
6. Leases
7. Number of Hourly vs Permanent LSRs & Employment Counselors by office location and division

UI Section:

8. Initial Claims

1. Welcome/Introductions – Darlene Shattuck
2. Commissioner's Comments – Roberta Reardon

I am very happy to be here today. I travel often on behalf of the Agency and the Governor, so I am unable to attend as many of the labor management meetings as I would like. I want to thank all of you for being here today. I am very proud of the union and the work performed daily for the members across the state. I want to thank Darlene Shattuck for her contributions in maintaining a good working partnership with the unions.

I will have to reschedule the local PEF evening event currently scheduled for February 28th.

- Status of Agency staffing

We are continuing to work to fill all of the vacancies. The higher level vacancies are more difficult to fill – two such positions are the Director of OSI and Director of R&S.

- Changes with new Federal Administration

There continues to be a lot of uncertainty regarding potential policy changes with the new administration in Washington. There is currently no Secretary of Labor. We have been in communication with USDOL and although the processes are proceeding as previously, we know changes are coming. Some areas of concern are:

- Will protecting workers rights still be prominent, or will it become more business oriented?
- Will businesses still have to support UI at the same level?
- How will an individual state's financial outlook change if they become a sanctuary state? Even if NY does not become a sanctuary state, we do expect some cuts.

We anticipate some reduction in funding, but we don't know in what areas or how much. The federal grants for the next fiscal year are already set. DOL is federally funded at almost 90% of our budget so any reduction will have an impact on the agency.

For those of you not familiar, I have a strong union background. I was the president of AFTRA, and led the merger with SAG-AFTRA, and worked with AFLCIO. My membership with SAG-AFTRA is still active. I believe strongly in the labor movement in this country, and the rights of workers to have a voice and organize collectively. The events in both Wisconsin and Indiana are examples of what could possibly happen when there is a concerted attack on public sector workers. Similar actions at the federal level will impact us. My experience has shown that the unions are only as strong as its members. If members are not willing to stand up for their union when it's under attack, the union will disappear – Wisconsin is a prime example of that. We do expect a concerted push against organized labor from this new administration. The republican party has brought a National Right to Work law to the house for several years and it was always defeated. I urge you to make sure your members understand what the union brings to their work life.

3. Budget – Kathy Elfeldt
A. B., C. – Handouts.

QUESTION: How many positions are funded by the RESEA grant? It states the grant has preliminary approval. What does that mean? What happens if new administration takes away the grant?

ANSWER: Approximately 200 positions are funded by the grant.

We are required to reapply each year to receive the RESEA funds. We applied for and received the grant. It has preliminary approval pending passage of the budget at the federal level. We operate under a continuing funding resolution – operating with money received during the previous year. We continue to receive grant funds, and continue to submit applications for all our federal grants, but budget approval is still needed.

There is uncertainty, and could be budget gaps. The Department is making contingency plans, and any action impacting the employees would be the last option.

D. E., F., G., H. – Handouts. No questions.

The report for item # 3.E.3 cannot be provided by office location.

4. Division of Administration and Finance

A. Any plans for new titles, reclassification or earmarking of existing titles, redefining job descriptions/duties, or other changes to a title – Jennifer Williamson/Lisa Burrell

A classification package was sent to Civil Service to reclassify Investigative Officer positions in Public Work. We are looking at the structure in Public Work to make sure there is a good reporting structure, and promotional opportunities for staff.

An analysis has begun of all titles with Civil Service earmarks.

B. LSR exam- Open Competitive/Transitional lists- who and how decide which list to use? – Jennifer Williamson

Personnel canvasses both the open competitive and transition lists and forwards the information to program. Program reviews the lists and resumes, and decides who will be interviewed.

C. PEF wants hourly employees to become permanent whenever possible – Jennifer Williamson/Nathalie Carey

Hourly employees currently performing the LSR duties, would be included on the Open Competitive list. With the LSR exam recently announced, there is an option for

advanced qualifications - so they could potentially be brought in at the higher trainee level.

The overall intent is to keep good employees, but there will outside competition as well.

- D. Outdated technology, e.g. Web browsers, Windows- negative impact on production: Any update? – Rich Wilcox

ITS required DOL's browser be upgraded to Internet Explorer 11. The process began with 173 testers across the agency. Any issues that presented have been resolved.

Microsoft Office 2016 is the next initiative. This upgrade has been delayed several times due to many identified issues – one of those being the loss of Microsoft Office completely for several days. UI has requested no upgrade occur during the peak month of January, to lessen the impact on customers. The upgrade is being pushed through in several different stages across the agency and the next roll out date is February 21st for the remainder of the agency. ITS has provided assurances they will have the resources to handle any issues that may occur.

ITS is also working to move away from Mainframe in the future. The RFP has been developed for UI modernization and it is now in the final stages.

There are ongoing issues with ITS tickets that need to be escalated for completion. The Business Approvers are individuals who provide access to different systems, communicate and escalate issues to ITS. Specific instructions, training, distribution lists, mailboxes for questions, and Share Point sites with instructions are provided to the Business Approvers for the agency. Rich Wilcox will provide Business Approver information to Employee Relations for PEF.

- E. SFS – Kathy Elfeldt

1. L- Memo 23-16- Travel Policy for Unreconciled Credit Card Charges Over Six months Old
 - a. What if reason it is unreconciled is because supervisor didn't approve?

Per OSC and BSC guidance, travelers are responsible for notifying their supervisors when submitting expense reports. Supervisors are responsible for reviewing reports to ensure they are approved timely.

Employees are receiving monthly notifications of unreconciled expenses. The list is down to seven people who have long term, unreconciled accounts, and Finance has reached out to all to provide assistance. A second memo will be issued explaining that future travel training will be required of those with unreconciled travel expenses.

2. L- Memo 1-17 New Travel Policy- Discussion

The background for issuance of this L Memo is DOL transitioned to SFS in October 2015, and was the first agency federally funded using SFS. In December 2016 DOL was given an exemption for an early cutoff date. This was

the result of federal funds being jeopardized due to late submission of federal reports. February was the first time in 17 months DOL was able to submit Federal Quarterly Reports on time. SFS is trying to bring on other agencies that are federally funded, but cannot if they are unable to meet federal standards.

This L-Memo was issued to advise travelers that all expense reports submitted in a month need to be fully approved by the end of the month. Any report not fully approved by the end of the month will be denied by the BSC and will need to be resubmitted by the traveler on or after the first business day of the following month.

F. Impact of Governor Cuomo's proposal to re-organize and consolidate NYS hearing functions – Nathaalie Carey

The intent of this proposal is to consolidate the function into one agency. This proposal is currently on hold until more information is available.

PEF stated they are not in support of this initiative.

G. Telecommuting – Nathaalie Carey

The agency has been considering a telecommuting policy for several years. Nathaalie is now conducting meetings twice a week with OER and Personnel to establish a telecommuting policy. The program details are being shared internally with executive management and with Chamber.

The intent is to begin a pilot program soon. Darlene Shattuck will coordinate a meeting with the unions to discuss the program and policies.

H. Employee Organization Leave – Darlene Shattuck

DOL is reviewing EOL for the agency for all unions. We have developed a form which has been shared with both PEF and CSEA. A memo is being drafted explaining to supervisors, managers and employees the purpose and allowable uses of EOL time. There is also a training developed by GOER on SLMS.

PEF will speak with PEF Contract Administrator to discuss – believes it may be negotiable item. OER can provide information from other agencies currently using a similar form.

I. Minimum Wage Change/Hotline- will there be new hires as a result of this? – Nathaalie Carey

There is no hotline- the issues are still handled through the Contact Center. A multi-agency Task Force is already in existence handling minimum wage.

J. Add on topic:

Upcoming Security/Emergency Management Training includes Active Shooter training. It is available in SLMS. Although this is not mandatory training management is encouraging staff to take the training and we are asking for PEF's support and to encourage members to take the training.

5. Unemployment Insurance Division-Division Update – Mary Batch

Overtime was authorized in January at the Troy and Glendale TCCs for employees working on the incoming claims; and in Building 12 due to a backlogs in additional claims and the imaging unit.

Governor Cuomo proposed a new UI program for Earnings Disregard. Legislation would allow claimants to earn up to \$100 and continue to receive their UI benefits. If enacted, this would have minimal impact on staff. Employees would be involved in work groups and be provided training.

12 LEANs currently underway, three of which are relatively new. Four more will begin in the spring.

Carl Boorn:

FTR process to begin at the beginning of April.

Since last meeting, 70 appointments (33 are PEF); in the process of filling 91 more positions (48 PEF).

6. Research and Statistics-Division Update – Mary Batch

All is going well in Division, staffing is at 80%. The Economist series was previously converted to a traineeship in hope of increasing recruitment. An additional recruitment effort included informing area colleges of the Economist series exam – to encourage their students to take them.

7. UI Appeal Board-Board Update – Susan Borenstein

A. Update on MLC Settlement Implementation

Currently still in negotiations, with one outstanding stipulation. Consent decree has been vacated.

- One ALJ in Brooklyn has retired; currently filling one LSR position in Hauppauge.
- Influx of 1500 NYC Board of Education cases, 1100 of which will go to hearing. This is affecting the timeliness markers: 64 days at Higher Authority, which will be lowered to under 40 days when the NYC Board of Education cases are complete; 32 days at Lower Authority, which will also change after the completion of the NYC Board of Education cases.

8. Division of Employment and Workforce Solutions (DEWS)-Division Update – John Triller

A. Update on the Manager and SLSR promotions

- DEWS is in the process of filling the two Manager positions currently open in Dunkirk and Syracuse.
- Stephanie Tubbs was selected as the Deputy Veteran Program Administer.

B. WIOA Update- Where are we in implementation process?

- A WIOA Interagency Team was formed in January 2014, with core state agency partners to include NYSDOL, State Education, and OCFS. The team has met over 80 times since 2014, and has worked on WIOA related tasks/requirements such as the WIOA Combined State Plan which was submitted in April 2016.
- The Interagency group also held three statewide leadership meetings in the spring of 2016 which brought together hundreds of managers from across the state agencies with responsibility for implementation of WIOA.
- The WIOA Interagency Team has also created a number of workgroups to address WIOA implementation issues related to; systems integration and alignment relevant to federal reporting, cross agency business engagement, adaptive technology in the Career Centers, and a workgroup to discuss the WIOA MOU.
- A training for NYSDOL Managers and QA staff was recently held in Albany to discuss the WIOA MOUs required for each local workforce development area.

9. Worker Protection-Division Updates

A. Safety & Health – Eileen Franko

Two S&H Inspectors were hired; two Supervisor S&H Inspector positions are currently open.

QUESTION: There is concern among S&H employees they will have to take on clerical duties due to lack of clerical staff.

ANSWER: We are aware of those concerns and are working to fill those positions.

B. Public Work – Chris Alund

A big thanks to Personnel for the work they did on the reclassification package.

Pending requests to fill Investigative Officer 4- grade 25. Once that position has been filled, a request will be made to fill grades 23, 20, and 16. Also in the process of filling five open Investigator positions.

C. Labor Standards – Maura McCann

There continues to be tremendous turnover of staff. Since the last meeting four have left, and four other positions were filled. There will be two grade 25 positions to fill in NYC.

D. Special Investigations – Milan Bhatt

OSI staffing:

- Currently working to fill the Director of OSI position
- Secretary position in Albany was vacated
- A two-year trainee position was filled in NYC
- Investigator, Senior Investigator and Office Assistant 1 vacancies downstate

Joint Task Force (JTF) – Governor formed the JTF in July 2016, and the majority of the initiatives fall within OSI. Several of the initiatives are under way:

- RFA – working with DEWS and DOSH to better educate workers throughout the state regarding S&H standards
- Collateral Consequences/Criminal Consequences – looking at leveraging authority that goes beyond DOL to achieve results. Progress has been made regarding criminal consequences, specifically in the construction industry downstate
- Immigration – deportation now seems to extend beyond those individuals with criminal history or prior deportation order. A meeting is scheduled with the Department of State to discuss actions within our jurisdiction, and leveraging the jurisdiction of other state agencies to better serve immigrants and address their concerns.

E. Division of Immigrant Policies and Affairs – Jeanette Lazelle

Currently filling administrative support position in NYC. Approval was granted to fill a fourth IWS 2 supervisory position, which will be located in Buffalo.

2017 MEETING SCHEDULE:

February 15, 2017– 10:00 A.M. – Room 544
May 24, 2017 – 10:00 A.M. – Room 544
August 16, 2017 – 10:00 A.M. – Room 544
November 29, 2017– 10:00 A.M. – Room 544

Darlene Shattuck
Director of Employee Relations

Heather Gaeta
PEF Chair

