

**NYS OFFICE OF MENTAL HEALTH & PEF
STATEWIDE LABOR MANAGEMENT COMMITTEE
Date: December 13, 2017
PEF Headquarters**

Present for PEF: Tara Bentley, PEF Recorder
Dan Carpenter, PEF
Virginia Davey, L/M Chair, SLPC
Ken Dischel, South Beach PC
Liz Falco, Rochester PC
Mary Haltermann, Capital District PC
Karen Harris, Mohawk Valley PC
Errol London, Kingsboro PC
Dominick Mannino, PEF Field Representative
Gerard Riconda, Central NYPC/Mid-Hudson PC
Jeanette St. Mary, Mohawk Valley PC
Darlene Williams, L/M Co-Chair, NY Psych Inst.
Kevin Wilson, Sagamore Children's Psychiatric Center

Present for OMH: Eric Bryson, OMH, Personnel
Julie Burton, OMH Chief of Operations
Lynn Heath, OMH Director HRMO
Lille Johnson, OMH, BEWD
Tim Lamitie, OMH, CNYPC
Crystal Scalesci, OMH, Deputy Dir. HRM
Maxine Smaling, Nursing Services
Blake Washburn, OMH, BER

Housekeeping		
Approval of Minutes	PEF will endeavor to provide a more condensed version of minutes in order to better align with the expressed needs of both labor and management. Minutes will stress brevity without loss of substance.	None
Justice Center		
Justice Center Chart, Updated Quarterly	PEF requested information regarding open Justice Center (JC) cases for PEF members. Management clarified that it does not have rights to run reports on open investigations. However, Management does track cases that have been substantiated and will provide PEF with an updated case status chart.	Send chart when available/ Kim Dilmore
Notification Process/Union-Representative	PEF requested clarification on how members of the union are notified of pending JC involvement in investigations. Management explained that the JC notifies staff in writing when they are the subject of an investigation. If the JC determines that the subject employee is a potential target for	None

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	disciplinary action and seeks to question the employee, he/she must be given an interrogation notice and provided contractual rights. Employees being questioned as witnesses must cooperate and are not entitled to union representation. If an employee is unsure if he/she is being questioned as witness or as the target of the investigation, ask the investigator to clarify.	
Standardizing JC Notification	<p>PEF requested that interrogation notices be standardized across facilities. Management explained that while there is not a standard template in use, facilities are required to ensure the basic required elements are contained in the interrogation notices. PEF indicated that the JC and facilities do not provide enough time for employees to secure representation. Management replied that facilities have reported unreasonable scheduling delays due to the availability of PEF reps, and that while Management acknowledges PEF's right to choose who will represent the employee, the decision cannot unreasonably delay holding the interrogation.</p> <p>PEF also provided Management with a copy of a PEF-composed, wallet sized card that explains member rights during an investigation. Management indicated they have seen the card and have reached out to GOER for guidance, as this impacts all SOAs.</p>	Crystal Scalesci will follow up with GOER and JC regarding proposed cards that would inform PEF members of their rights during an interrogation.
Justice Center Role in Correction Based Operations	PEF inquired as to the circumstances that would permit the Justice Center to become involved in investigations in the Corrections Based Operations. Management explained that the JC has the statutory responsibility to investigate allegations of abuse and neglect as well as situations like deaths and suicides of covered vulnerable populations in the OMH Satellite Units.	None
Miscellaneous		
Grievance Chart Updated Quarterly	This item will be updated upon Michael Izzano's return from leave. The Unions asked for a list of BER reps and the facilities that they cover.	Update of Chart/ Mike Izzano. OMH indicated that BER Representative assignments, names, and telephone numbers will be presented at the next L/M meeting.

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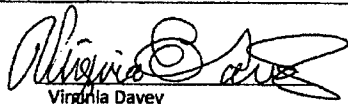
Use of Video Teleconferencing	PEF will have further discussion with PEF Field Services about the possibility of making greater use of video teleconferencing for grievance hearings. Management indicated that use of VTC will support more timely scheduling of Step 2 hearings. Management will verify that all facilities have at least one location where VTC is possible. PEF would like to see greater use of mediation at the facility level as an alternative to resolving issues prior to filing grievances to Step 1 or to resolve Step 1 grievances. Management will review options.	OMH indicated that they can revisit this request and follow up with Lillie and GOER.
Federal Budget	PEF expressed concern that the Federal budget will negatively impact OMH service delivery and staffing due to anticipated cuts to Medicaid and Medicare. Management stated that it is too early to predict what effects any Federal policy changes may have at this point.	None
Staffing		
Recruit and Retain	Management summarized recruitment/retention challenges for facilities such as Hutchings PC that must compete with several employers of nurses nearby. New York State agencies cannot legally pay sign on bonuses and weekend differentials, putting OMH at a competitive disadvantage. OMH was recently approved for a geographic differential in the central region. Recruitment efforts include attendance at professional conferences, as well as low and no cost advertising. PEF is willing to partner with Management in recruitment efforts, including arranging for nurses and other staff to attend job fairs as Ambassadors for recruitment, on a rotational basis.	None
Nursing Crisis at Hutchings PC	Management at HPC has extended the initial training period to help retain new nurses. New nurses will now have four (4) weeks of New Employee Orientation followed by four (4) weeks on the unit under the supervision and support of the Nurse Educator before being included in the staff count. The new \$12K geographic differential is providing limited success in recruitment/retention, therefore OMH has submitted a proposal to hire all nurses at the job rate (and move all current nurses to the job rate Civil Service has approved has approved the proposal and it is now pending DOB approval. Salary competition across all of the State is a significant	None

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	challenge. OMH would need approximately \$27 million annually to remain competitive in the current nurse market, but due to a flat budget would need to cut the equivalent amount from other programs to do so. This would be the equivalent of closing nine (9) wards, as an example.	
Staffing Levels	PEF will assist Management in recruitment efforts by engaging in pro-PEF, pro-OMH employment billboard messaging.	None
Standardized Staffing Ratios	Management at Central Office has been working with the facilities to determine the numbers/titles of staff needed to provide services, carefully considering current acuity, staff deployment and operational needs. This assessment is currently in progress.	None
Caseloads	PEF inquired as to the process to advocate for more staffing in locations where caseload has become unmanageable. Management stated discussions regarding staffing and caseloads are ongoing. Caseload and productivity are part of the focus, but Management is working to identify efficiencies for managing workload given existing resources. OMH clinic productivity remains lower than the non-state provider sector.	None
Affirmative Action and Diversity Services	Four new Affirmative Action Administrators have been hired recently. The contact information and facility assignments will be disseminated as soon as assignments have been made. PEF inquired as to how contact information, as well as information on services available, is disseminated to employees. Management indicated that facilities have local processes in place, and will reach out to inquire.	Distribute contact information/ Kim Dilmore
Safe Patient Handling		
Committees	PEF is concerned that some facilities are unaware of the Safe Patient Handling (SPH) Law and requirements, including establishment of SPH Committees. Management explained that Nursing Services is the lead on SPH and has reported that SPH Committees are in place at all facilities. If PEF is aware of a location where this is not the case, please inform the OMH Management Co-Chair.	None
Safe Patient Handling Conference	Most OMH facilities have sent staff to the annual conference over the past three years, and attendees have brought back useful information regarding SPH best practices and resources. Each facility has developed its	Report on non-compliance


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	own SPH policy, based on its patient population served, infrastructure and operating environment specific to each facility. If PEF is aware of a location where facilities are out of compliance, please inform the OMH Management Co-Chair.	
Pharmacy		
E-Vista Outage	PEF stated that there have recently been extended lapses in service impacting timely and accurate medication administration. Management is working with ITS to troubleshoot and resolve technical issues.	None
Cardinal Health	Management is continuing the contract with Cardinal Health to provide services on evenings, nights and weekends. The cost of using the extra service model to provide this coverage is cost prohibitive. There are prescriptions that come in at night that have not been looked at by the Cardinal pharmacist. If there are more issues that arise, Management would like to know about them as they happen.	None
Contract Pharmacists vs. PEF Pharmacist	The Unions are concerned with the accuracy and consistency of Cardinal Health's pharmacy services, and reports that the contractor makes errors and that OMH pharmacists often have to redo their work the next morning. Management requested specific instances in order to look into the issue.	PEF will provide examples


Virginia Davey
Labor Co-Chair

12/6/18

Date


Kimberly Dilmore
Management Co-Chair
Assistant Director, Bureau of
Employee Relations

12/6/18

Date