

**New York State Department of Labor  
Statewide PEF Labor Management Meeting  
September 26, 2018**

**MINUTES**

<b>MANAGEMENT</b>	
Geoff von Bieberstein, OER Director, Co-Chair	Mario Musolino, Executive Deputy Commissioner
Mary Batch, Dep. Comm. Employment Security	Nathaalie Carey, Dep. Comm. Administration and Chief Financial Officer
Karen Coleman, Dep. Comm. Workforce Development	Vince Coyne, OSI
Jennifer Williamson, Personnel	Milan Bhatt, OSI
Susan Borenstein, UIAB (via MOVI)	Bo Wynnyk, Research & Statistics
Marcus Moran, DEOD	Maura McCann, Labor Standards
Selica Grant, DEOD	Victoria Gray, DEWS
Stephen Geskey, UI	Russ Oliver, DEWS
Rich Wilcox, Admin	Paul Danaher, Property
Carolyn Piccirillo, Finance	Ed Vargas, Director of Labor Relations
Rebecca Rauhauser, OER, Mgmt. Recorder	Eileen Franko, Safety and Health
<b>PEF</b>	
Scarlett Ahmed, PEF Co-Chair	Jose Medina, PEF
Bob Beckwith, PEF	Helen Esposito, PEF
Nancy Holford, 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. Number of Hourly vs Permanent LSRs & Employment Counselors by office location and division
7. Leases

UI Section:

8. Initial Claims

**1. Welcome/Introductions**

## 2. Commissioner/Executive Deputy Commissioner's Comments

### **Executive Deputy Commissioner Musolino**

In a financial perspective we are in good shape. We are not seeing the Federal cuts that were previously feared with the changes in administration. We are in the process of preparing our State Budget for next year. The Communications staff has been changed and brought in new people. The UI Modernization project is close to having a final contract with the vendor. We have started paying more attention to security at our facilities. They are doing bag checks and are becoming more mindful of what people are bringing into the buildings. They want to continue the conversation to find the right balance between making the customers feel comfortable but also keeping the building safe.

**QUESTION:** Does this mean that the administration will be supporting the shooter program (Active Shooter Training)? Also, some places have many incidents and we would like to sit down and go forward with coming up with a resolution to this issue.

**ANSWER:** Management is on the same page. We would like to look to see what other agencies have done and make progress in this area so that customers and staff are in a safe environment. It's a discussion that should continue until we come up with a plan where we are all comfortable.

**QUESTION:** Can the Administrative Law Judges (ALJ's) have more discretion when it comes to ending a hearing when there is a disruptive incident?

**ANSWER (Susan Borenstein):** Judges do have control of the hearings. They can stop hearings and have stopped hearings. It's up to them to decide. The bag check initiative came about because of a ALJ who stopped a hearing.

## 3. Budget – Nathaalie Carey/ Carolyn Piccirillo / Paul Danaher (leases)

### **A. Federal:**

- a. **Update on budget and DOL funding:** Agency funding is holding steady which is better than what we thought it would be at the beginning of the year.

**B. State:** The budget letters have been sent out and we are getting ready to start the process to request as much as we can. The finance team met with DOB a month ago and informed them we need more funding for the worker protection units. They provided additional information and we are hopeful it will have a positive impact for the upcoming budget cycle.

### **C. UI Trust Fund Status:**

### **D. Monthly Position Allocation vs. Spending by Division, including if applicable:**

- a. **Changes in FTEs.**
- b. **Planned fills and promotions**

**QUESTION:** Can we have a “snapshot” of agenda item 3D over a 5-year time at one meeting per year showing the decline?

**ANSWER:** DOL is willing to provide upon receipt of a specific request of what PEF is looking for in this regard.

**E. Current Staffing by Division:**

- a. Provide any information on attrition plans.
- b. Count of Employees by division permanent/hourly (in separate columns)
- c. Number of hourly LSRs and Employment Counselors (Personnel)

**F. Excel Spreadsheet showing all current PS&T members at DOL**

**G. Excel Spreadsheet showing current listing of hourly PS&T employees at DOL**

**H. Changes in the list of lease expiration dates.**

**QUESTION:** Are the leases that expired month to month? How do we handle it?

**ANSWER:** Every lease that expires has a clause that allows them to continue on a month to month occupancy in case the new lease is not in place. The process is involved and takes a lot of cooperation between partners. A site could go month to month for an extended period of time before a new lease is executed.

**QUESTION:** The members at the Glendale location are nervous about relocation. What is the status with the lease at that location?

**ANSWER:** That site is in an active negotiation.

**4. Division of Administration and Finance**

**A. Division Update**

- 1) **OER General update– Geoff von Bieberstein** – Continuing to work on cases.
  - a. **Union requests discussion regarding Alphonso David memo regarding access to employees** – The intended audience was agency and authority heads. It outlines the agencies obligations granting union access to new employees. Management fills this obligation with the new employee orientation held every two weeks that includes a union component. Management acknowledges its obligation to allow reasonable access to union members.

**QUESTION:** Can the Alphonso David Memo be shared with local managers so that they understand the importance of this?

**ANSWER:** This memo is not packaged to send to all management but management will speak with council to see what can be done. Management will work to convey the spirit of this memo to program managers.

**2) Personnel – Jennifer Williamson**

- a. **Any plans for new titles, reclassification, or earmarking of existing titles, redefining job descriptions/duties, or other changes to a title?** – Currently reviewing the classification for the Hearing Officer and Supervising Hearing Officer.
- b. **Telecommuting pilot program status update** – Still in the pilot phase which is under executive review but the Department has plans to expand the program..
- c. **Union requests discussion of information hourly candidates receive when interviewing/upon appointment** – What individual managers discuss during the time of interview is not something Management can speak to. Once hired, the appointment does clearly state that they are temporary and that they are in an hourly position, what the hourly rate is, and if in an hourly traineeship position, the letter includes how many hours they have to meet in order to advance to the next level. Management agrees this is an issue and in order to address this situation they would like to try and include a document with the part two of the application that gives them highlights of what an hourly employees is.
- d. **Union requests discussion regarding Professional Conference Leave** - The conference is looked at to make sure that it is indeed a professional organization that relates to the employee's job duties. It's standard that employees get three professional leave days a year for PEF and they do need prior approval from their supervisor before using the leave. If there are any specific cases where employees using this leave are being denied then those incidents should be brought to our attention.

**QUESTION:** Would it be insubordination if employees go above their local manager if their request for Professional Conference Leave is denied?

**ANSWER (Nathalie Carey):** If someone is unresponsive, it's not insubordination to seek a response to a question if they are going through the proper chain of command.

### **3) Technology/Miscellaneous – Nathalie Carey**

- a. **Update – File sharing drop for Labor Standards and other Investigator positions who work frequently outside of the office** – Still working on finding a way to make this work which is also cost effective. The initial solution is too expensive.

- 5. **Worker Protection Division – Milan Bhatt** – Staffing issue is being made a priority and we are open to the technological solutions. We are looking into how we can move resources around and are taking into consideration everyone's input.

**A. Safety & Health Update – Eileen Franko** – Safety and Health lost three (3) employees to retirement. We moved a Boiler Inspector to Industry Inspection, an Associate became the on site Program Manager, and a Senior Safety and Health Inspector became an on site Supervisor.

**B. Bureau of Public Work – Eileen Franko** – Public works is filling an Investigative Officer 4 in Albany.

**C. Labor Standards – Maura McCann** – Hired one Investigative Officer (IO)1, two (2) IO1s resigned, one (1) IO3 retired, and one (1) promotion from an IO1 to an IO2. Labor Standards is in the process of hiring thirteen (13) total items across the state, two (2) of those are promotions, the other eleven (11) are IO1 titles.

**1) Division update including status of Work Group proposals – Nathaalie Carey** – Another meeting has been scheduled for the Commissioner and the Work Group to discuss some of the actions that have been taken since receiving the recommendations provided by PEF. The date is for October 5<sup>th</sup>, 2018.

**D. Special Investigations Update – Vince Coyne** – Eighteen months ago 50% of the staff was lost (to retirements). Since that time, it has been rebuilt by bringing back nine (9) new Investigators and promoted three (3) to supervisory positions. Many of the new Investigators bring with them their knowledge in technology.

**E. Division of Immigrant Policies and Affairs Update – Milan Bhatt** – Today is the last day of one of their Immigrant Worker Specialist 1 positions so some adjustments need to be made to deal with the short-term impact of that. The loss of that employee brings DIPA from twenty-one (21) to twenty (20) staff members.

**6. Division of Employment and Workforce Solutions (DEWS) – Russ Oliver**

**A. Division Update** – 99% of installing all the PC's (750) have been completed. This week it should be completed. Feedback from the field is that they seem to be working well. Also are in the phase for a technical refresh for the one stop operating system. Next is to WIFI the centers. \$7,500 was raised on hot dog day, which was an all-time high. Thank you to PEF for the \$550 donation. We are continuing to train staff, 650 have been trained in the career centers including the employment counselors. HRD has continued to do training. They are doing presentation training for central office staff that will roll out to the career centers. Just received 8 million out of the 8 million grant you could apply for at the federal level for providing counseling service, additional resources at the local level, and training connected to dislocated workers who have lost their jobs.

**B. Update on Managers and SLSR promotions** – The Division has hired fifty-three (53) staff since the last meeting including four (4) Supervisors. Right now, interviews are being held for the Harlem center.

**C. Hourly LSRs made Permanent** – sixty-six (66) have been made permanent since the list came out.

**D. Union inquiries regarding recent Workforce Program Specialists being hired as hourly instead of permanent in Brooklyn** – These hires are correlated with a special grant funded project that goes through October 2020

## **7. UI Appeal Board – Susan Borenstein**

**A. Division Update** – Two mile stones have been reached. One is that the last MLC original class case of 60,000 cases is gone. The second is that the bench manual has been released online. This is the first bench manual that has existed for this division. It comes in two parts; Substantial Law, and Procedures. Ten (10) of our Administrative Law Judge's (ALJ's) were the authors. The entire judicial staff reviewed it and made comments and additions and is now released. The hard copy should be out by the end of this month. Bag checks are in place now at all locations. There are four (4) new ALJ's in Brooklyn that have just completed their five-week training and are now doing hearings. One ALJ has been promoted to Senior ALJ in Brooklyn, one person has been internally promoted to an LSR in Brooklyn as well. Our Business Systems Analyst II left and went back to her old position with another agency, and one (1) Supervisory Labor Service Representative (SLSR) has been hired in Troy. The case management system upgrade has been delayed due to technical problems with the coding so there is no go live date. They have begun doing 15-minute tech trainings which is to get staff more acquainted to use the computer programs that they already have. Their current case age is 26.3 days. The hearing average case age is 25 days. The acceptable level is 30 days or less.

**B. Union requests discussion about possible establishment of a LM work group, similar to Labor Standards – Geoff von Bieberstein** Management consider upon the submission of specific goals for a proposed group from the Union.

**QUESTION:** Isn't there already a work group in place?

**ANSWER:** There was an existing group but they finished their work months ago. It's purpose was to assist ALJs in more expeditiously closing out combined cases in ABS, the UIAB case management system. It was not to fix the problem.

## **8. Unemployment Insurance Division – Mary Batch**

**A. Division Update** – Workload levels are historically low. They had an electronic case load system developed by John McCormick. They are replacing the imaging system. That will be moving forward now and completed in a course of a year. They are replacing their current contact center system with a virtual call center using the Verizon Solution. This is a warm up for the UI Modernization, which is very close to having a contract. UI has added over twenty-nine (29) staff members, the largest number being Senior Auditors. There are another thirty-one (31) hires pending.

**B. Update regarding RFP for mainframe .** The UI Project Director recently started and he will be taking over the UI Modernization project.

**C. Will UI Employer Services be getting new laptops?** – Yes. They must test them first. They currently have ordered three but they have not received them yet. They are planning to test to make sure Windows 10 works with the audit system (TSDBMS). They are also replacing any laptops that were broken.

**9. Research and Statistics – Bo Wynnyk**

**A. Division Update** – Staff has remained the same since the last meeting. They have been working with the Census Bureau and a number of other state agencies to try and provide a refined master address file to put together the 2020 Census. They finished at the end of August and have added between 40,000 and 50,000 addresses.

**QUESTION (Jose Medina):** The MOVI system crashed half a dozen times last time I was using it in NY, what is going on with that?

**ANSWER:** There may have been something wrong with that particular component. Next time you should put in a ticket for it so that we have a running count of when things are not working properly.

**The minutes from June 2018 were signed off and approved by both co-chairs.**

**NEXT MEETING:**

Mid to late January 2019. Scarlett will reach out to Geoff von Bieberstein with some proposed dates. **(POST meeting discussion yielded Jan 30, 2019 as next meeting date)**

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Geoff von Bieberstein  
Director of Employee Relations  
Management Co-Chair

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Scarlett Ahmed  
PEF Co-Chair