

**New York State Department of Labor  
Statewide PEF Labor Management Meeting  
January 30, 2019**

**MINUTES**

<b>MANAGEMENT</b>	
Geoff von Bieberstein, OER Director, Co-Chair	Roberta Reardon, Commissioner of Labor
Mary Batch, Dep. Comm. Employment Security	Nathaalie Carey, Dep. Comm. Administration and Chief Financial Officer
Karen Coleman, Dep. Comm. Workforce Development	Vince Coyne, OSI
Darlene Shattuck, Personnel	Michael Burkard, Labor Standards
Janet Beaudoin, UIAB (via MOVI)	Bo Wynnyk, Research & Statistics
Chris Alund, Public Work	Maura McCann, Labor Standards
Selica Grant, DEOD	Jack Dougherty, Finance
Stephen Geskey, UI	Russ Oliver, DEWS
Rich Wilcox, Admin	Paul Danaher, Property
Kevin Jack, Research and Statistics	Ed Vargas, Director of Labor Relations
Rebecca Rauhauser, OER, Mgmt. Recorder	Eileen Franko, Safety and Health (via conference)
Scott Melvin, Chief of Staff	Jeanette Lazelle, DIPA (via conference)
<b>PEF</b>	
Scarlett Ahmed, PEF Co-Chair	Sharon DeSilva, PEF Vice President
Bob Beckwith, PEF	Helen Esposito, PEF
Nancy Holford, PEF Recorder	Christine Werns, PEF
Jose Medina, 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/ Minutes sign off.**

Minutes sign off was delayed to allow further review of minutes between PEF and OER.

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

**Commissioner Roberta Reardon** – Happy New Year! There are some exciting State of the State agenda items from our Governor coming this year. I am looking forward to the great work that we get to do. This is an exciting agency to work in, work for, and work with. We have a huge portfolio and I think we do some of the best work for the state. From Career Centers, to Workforce, UI, and everything in between, New York State has your back. You all are the heart and soul of it and I want to thank you for all the work that you do. I take the Labor Management process very seriously, I did this in my own unions and find it very helpful. I want to make sure that this is a comfortable process where we can talk with each other. We certainly bring our issues here, the things that we struggle with, the problems that we have, but I also want to encourage everyone to bring your successes as well. We do an enormous amount of good work in this state and I try to celebrate that and it's an important part of the conversation as well. Three years ago, The Governor tasked us with forming the Agricultural Labor Committee. As some of you may have known, Agriculture and Labor didn't talk to each other very well for a long time in this state. Over the three years, we have developed a robust Labor Management conversation in that area. I think this was a surprise from both the farmers side and from the advocates side. That is what this is all about. That is the strength of the Union and the positive part of Management. This is your room, I want you to come and say I have an issue and I want to talk about it. I'm never afraid of push-back. I learned a long time ago that you can't get ahead if you can't push-back, or if you can't handle people saying that they disagree with you. The only thing I ask for is respect in the room and to disagree, agreeably. We are in this together. I know that access to your memberships is an important issue. The Janice decision was hateful. The Governor has been very outspoken about his opposition towards it. You have our commitment that you have access to your members and new employees and that will continue. Conference notices, bulletin boards, if you're having a get together for new members, put that on the bulletin board and let them know that it's happening. The CBA has in it the rules for engagement and we all follow those. You have a great cause and I support you.

**A. Status of Agency Staffing** - Mario Musolino has retired and he will be surely missed. We are working right now to find a replacement and as soon as we have one we will let you know. We are hoping for a seamless transition and if you have any questions or concerns, please do not hesitate to contact Scott Melvin, myself, or your representatives. We are working as fast as we can to make sure we have a new Executive Deputy as soon as possible.

**3. Budget – Nathaalie Carey/Jack Dougherty/Paul Danaher (leases)**

**A. Federal:**

- a. **Update on budget and DOL funding:** Some of our employees were wondering what the impact of the shutdown would have on our agency. We are one of the few federal agencies that were carved out so our budget was passed for the full fiscal year. This has allowed us to continue operations. Thankfully we are not in a

position this year where we need to start panicking and our hope is that it will continue in future years. Anything can change but right now the Department of Labor is in a good position to be unimpacted if the budget talks break down in the coming weeks. We will continue to keep an eye on it and if there are any changes I will make sure we are all updated.

**B. State: QUESTION (Scarlett Ahmed):** I see 3.4 million in Ridge Funding. What is Ridge Funding?

**ANSWER (Jack Dougherty):** That is to hold us over. It's explained in handout 1. They typically do this at the beginning of every year so that they give us enough money to get through the first few months. It's a routine process. There has been some reduction in some of the categories but it should be enough to support the current staff we have on board. The State budget has been submitted. We just are not sure what it will be exactly. The major takeaway is that there are no intended layoffs and we will move forward with the staffing level that we currently have.

**QUESTION (Bob Beckwith):** PEF does their own analysis and we noticed a significant increase in the amount for Consulting Contracts. We were wondering if you had any feedback as to why that is?

**ANSWER (Jack Dougherty):** We will have to look into that further but it may be due to the UI Modernization project. We will follow up once we have more information on that.

**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

**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 (Paul Danaher) –** In the handout we have highlighted the new leases that have been executed and the ones that have expired and gone into a hold over status.

**QUESTION (Scarlett Ahmed):** There were three upstate locations that expire at the end of June, do you have any information on those offices?

**ANSWER (Paul Danaher):** As far as I'm aware we have not been directed to start any negotiations but we are not looking to close any of them.

**QUESTION (Scarlett Ahmed):** Are you working with any other agencies to look into any remodeling or what work will be done at the Shirley Chisholm building and if so when do you expect that to happen?

**ANSWER (Paul Danaher):** So far we are only working with OGS who operates the building. The timeframe on that is at least another year.

#### **4. Division of Administration and Finance**

##### **A. Division Update**

**1) OER General update– Geoff von Bieberstein** – OER is continuing to work on cases, there have been no changes to our current operation.

**a. Union requests discussion regarding Union access to DOL employees** – The Commissioner adequately confirmed our commitment to union access in the beginning of the meeting. We achieve this through a variety of mechanisms including new employee orientation, lunch and learns, etc. The Department of Labor is also supportive of a one time face to face meeting with new PEF employees. If there is a specific situation where this hasn't happened or a face to face between the union and a member is not happening please let us know and we will address it.

**2) Personnel – Darlene Shattuck**

**a. Update regarding the BSC transition** – The transition took place on November 29<sup>th</sup>, 2018. So far it has been going well. There have been a few people who have moved to the BSC from Personnel and Payroll. Staff is learning the new system. LATS has been one of the items that has moved to BSC that we are still working on ironing out all the wrinkles. The big change has been that when employees are having issues with LATS they now have to contact the BSC and the issues aren't being resolved as quickly as they were before when payroll was able to resolve the issues. If employee issues are not being resolved by the BSC please let us know so that we can put some pressure on them to resolve them.

**b. Restructuring of Legal Specialties Traineeships** – Civil Service has streamlined the number of trainee levels from six (6) to three (3). No one is currently affected because we have no one in those traineeships at this time. This should simplify the traineeship levels.

**c. New title for agency: Associate Internal Auditor** – This new title will replace the Associate Administrative Analyst title and is looked at to perform the functions in the Internal Controls Unit. We have begun posting for this and are looking to begin filling it relatively soon.

**d. Telecommuting pilot program status update** – This initiative is expanding to phase two in the Worker Protection Division. Training sessions were conducted. Staff is excited. Applications are being reviewed now and it should begin February 21<sup>st</sup>, 2019. The

telecommuting sub-committee, ADAPT, has been meeting bi-weekly since November with twelve (12) other agencies. They are looking at documents and getting good feedback and suggestions in order to move their programs forward.

**QUESTION (Christine Werns):** My unit has member who at the initial roll out were not able to sign up for the telecommuting program. They are very interested in getting involved but now are being told they can't join. Will they be able to join since it's now being offered to another unit?

**ANSWER (Darlene Shattuck):** That is something that we can take a look at. At the initial phase we had limited slots so that it could be rolled out, we can revisit that and get back to you. The intent is to at some point extend to the entire agency so eventually we will be incorporating everyone else. We currently do not have a timeframe for when that will be available but we are working to roll that out as quickly as we can.

### **3) Lead – Darlene Shattuck**

**a. Upcoming trainings –** We have been providing a lot of trainings through WebEx and online courses. Right now, we are rolling out more in-person classes. Some in Albany, but a lot of Microsoft Training in NYC. So far, we have held five classes at or near capacity. We also have added classes on communicating respectful messages in the workplace in NYC on March 7<sup>th</sup>.

**b. 2019 mandatory trainings –** Only sixteen individuals were not compliant last year and of those sixteen they may have only missed one or two of the trainings. They will be receiving a memo this year letting them know they were not compliant and that the trainings are mandatory. GOER is preparing the release of the mandatory trainings for this year, which gives employees plenty of time to complete them before the end of October deadline.

### **4) Technology/Miscellaneous – Nathaalie Carey**

**a. Update – File sharing drop for Labor Standards and other Investigator positions who work frequently outside of the office –** ITS has a couple of options that look promising and are cost effective but they still need to be tested. ITS is working on that and while it is not something at the top of their list it is something that is important and that they're working on.

## **5. Worker Protection Division**

- A. Safety & Health Update – Eileen Franko –** Since September they've had two (2) promotions, three (3) new hires, and two (2) employees who have left the agency.
- B. Public Work Update – Chris Alund -** Currently filling an Investigative Officer 3 (IO3) which will result in a request to back fill an Investigative Officer 2 (IO2), and they're in the process of filling three (3) Investigative Officer 1 (IO1) positions.
- C. Labor Standards Update – Maura McCann –** 2018 was a great year, workload balancing continued and resource shifting to accommodate some of the staffing issues. We closed more cases than we opened and we opened fewer cases in 2018 than we did in 2017. We expect this year to be as successful as last year. We had four (4) promotions, two (2) IO3's and two (2) IO2's. Two employees left the agency, one from the health department and one from workers comp. A few employees have left and come back since the last meeting as well. There were eight (8) new hires and were actively pursuing seven (7) more fills.

**QUESTION (Jose Medina):** Is it possible to get a report of claims filed in 2017 and 2018?

**ANSWER (Maura McCann):** We share that with supervisors and have no problem sharing that with you. If you could specify what you're looking for and send it to management we will provide that to you.

- D. Special Investigations Update – Vince Coyne -** Last year we brought twelve (12) new investigators on board, and we promoted four (4) managers. In the last seven (7) years we have brought back 80% of the fraud we identified.
- E. Division of Immigrant Policies and Affairs Update – Jeanette Lazelle –** Since September three (3) PEF members have left, two (2) retired and one (1) left the agency. Currently in the process of back-filling one (1) item, possibly two (2). Field work has been shifted around and we are continuing to meet all program goals.
- F. Discussion of Agency Parking Permits/Placards – Vince Coyne –** On July 19<sup>th</sup>, 2018, NYC DOT alerted us that no private vehicles or commercial vehicles would be allowed to receive an agency parking permit. That initially set us back because over 70 investigators were working in the city. We put together a package to submit to DOT and unfortunately, they would not reverse their decision but did agree to allow thirty-five (35) permits. Only those with 75% of their time in NYC would be issued those permits. That gave us a total of thirty-one (31) permits. They did agree to revisit this next year but they did advise us that it would most likely be the same policy.

**QUESTION (Jose Medina):** Why can't some of the employees who had parking permits receive state parking permits?

**ANSWER (Nathalie Carey):** I was under the impression that DOT had the final say. We can look into that but as far as we were aware NYC controls all NY parking permits.

If there is an alternative we will look into those options and get back to you.

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

- A. Division Update** – Tony Joseph retired. Victoria Gray will be taking over his position. She has been with us for many years and Tony trained her. There was a water leak on Monday and our staff was moved immediately. Cleanup is going well and OGS has been on top of it. The only concern is the 25 new computers that were in there but we don't know if any were damaged as of yet. The Middletown office is moving next week. They should be fully operational by Wednesday.
- B. Update on Managers and SLSR promotions** - Since September, fifty-eight (58) staff members have been hired division wide. Three (3) new supervisors were hired, two (2) people retired and right now both of those positions are being interviewed for.
- C. Union requests discussion on recently posted hourly Employment Counselor position(s)** – Sometimes we don't get a good list, and other times the position is short term such as Strike Force. The need for bi-lingual counselors is there, but we have a difficult time recruiting. We have asked Civil Service to have another counselor exam but we don't have a date yet.

**7. UI Appeal Board – Janet Beaudoin**

- A. Division Update** – The lower authority average case age is 20.6 days. 60% of the cases have been scheduled, heard, decided and mailed within 30 days. 89% of the cases are within 45 days which is in compliance with Acceptable Levels of Performance. Higher authority validated that the average case age for December was 36.6 days which is also in compliance with USDOL regulation. We've hired one (1) SLSR, two (2) ALJ's, and there was one (1) internal promotion for an LSR. The case management system upgrade was postponed. Looking to continue in mid-March but so far no exact date.

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

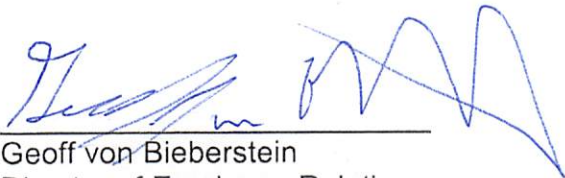
- A. Division Update** – The Federal Furlough did impact us in a work perspective. We had some overtime associated with that. Our workload levels are low right now. We have a work group put together to improve timeliness and quality of non-monetary determinations within UI. Job aides and desk guides are available to our staff and we're conducting mini-module trainings to correct common errors as well as providing direct assistance to the employees who don't pass reviews. We've also asked Shannon Ware to conduct a non-monetary LEAN which will hopefully start in the spring. Last quarter they hired thirty-two (32) employees, seventeen (17) who were PEF members. Most of those were LSR's and SLSR's.
- B. Update regarding RFP for mainframe** – The Verizon solution has been implemented in all areas except the TCC which will take place at the end of May – beginning of June. The feedback has been positive. The UI Modernization Project is under review at the

State Comptroller's Office.

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

**A. Division Update** – No major changes to report since the last meeting. We are actively recruiting three (3) or four (4) professional staff. The candidates are very good.

**10. Next meeting date (May 22, 2019)**



Geoff von Bieberstein  
Director of Employee Relations  
Management Co-Chair



Scarlett Ahmed  
PEF Co-Chair