

**New York State Department of Labor
Statewide PEF Labor Management Meeting
August 9, 2019**

MINUTES

MANAGEMENT	
Geoff von Bieberstein, OER Director, Co-Chair	Eric McShane, Dep. Commissioner for Administration and Chief Financial Officer
Mary Batch, Dep. Comm. Employment Security	Ed Vargas, Director of Labor Relations
Matthew Tierney, UIAB	Victoria Gray, DEWS
Lori Brooks, Property	Sandra Hatfield, Personnel
Jack Dougherty, Finance	Russell Oliver, DEWS
Jeanette Castagnola Lazelle, DIPA	Bo Wynnyk, Research & Statistics
Casey Waterson, OER, Mgmt. Recorder	Stephen Geskey, UI
Jim Rogers, Dep. Comm. Worker Protection	Christine Helo-Hunt, Personnel
Maura McCann, Labor Standards	Chris Alund, Public Works
Jennifer Williamson, Personnel	Vince Coyne, OSI, MOVI
PEF	
Scarlett Ahmed, PEF Co-Chair	Mike Singleton, PEF
Bob Beckwith, PEF	Helen Esposito, PEF
Kevin Jones, 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 allowing further review of minutes by PEF (Minutes were reviewed and signed by parties at later date)
- 2. Commissioner/Executive Deputy Commissioner's Comments**
 - A. Status of Agency staffing**
 - B. New Deputy Commissioner of Administration and CFO – Eric McShane** was introduced. He joins DOL from OGS.
- 3. Budget (Jack Dougherty)**
 - A. Federal** –Our funding is sufficient to support the staff we have, next years budget is not in place yet. PEF inquired about Vets program – fiscal year 2020 supports three less staff than 2019, is that still preliminary? Management stated that is just preliminary and we do not anticipate staffing changes.
 - B. State** – The budget has been in place for six months, flat budget from last year. We have sufficient funds to maintain staff at the current levels. We still have the hiring freeze in place, cash ceiling on our state cash spending so that remains the same as prior years.
 - C. UI trust Fund Status**
 - D. Monthly position allocation vs spending by division, including if applicable**
 - a. Changes in FTE**
 - b. Planned fills and promotions**
 - E. Current staffing by Division**
 - F. Excel spreadsheet showing all current PS&T members at DOL**
 - G. Excel spreadsheet current listing of hourly PS&T employees at DOL**
 - H. Changes in list of lease expiration dates**
 - a. PEF requests an update on status of locations with month-to-month leases**
 1. Scarlett Ahmed - Flushing put in a request for a system speed test, someone from IT said they heard they were moving and wondered if that request still needed to be done. Lori Brooks - lease is in holdover, still being negotiated.
 2. Helen Esposito- Front Street – everyone was supposed to go to the mall with the partner relocating, now there are rumors that the state is going to keep the office on Front Street. Russ Oliver – Rumors are not true. Lease was reviewed with county exec's office. Front Street is not DOL's lease, we couldn't stay if we wanted to.
 3. Scarlett Ahmed – Bond Street – When is the move from Bond Street to Chisholm Building scheduled? There's still

- construction going on. Management wanted to give PEF as much notice as possible that a move would be upcoming.
4. Troy will be moving in the fall.

4. Division of Administration and Finance

A. Division Update

a. Employee Relations (Geoff von Bieberstein)

1. **PEF request discussion regarding security of employee personal information in context of the BSC** – This pertained to one specific incident, no need for specifics of which employee. Management assumes PEF is looking for assurance that BSC has safeguards in place to prevent identity theft, spoofing. BSC does have safeguards, such as any major requests to make changes can only come through state email. There is no evidence of this incident being part of a larger trend.
2. **PEF requests assurance that information re: “Time to Vote” will be posted timely for future elections** – There were some growing pains in terms of how this would be implemented. There are posters up that are consistent with guidance provided by GOER. Posters are generic but make it clear that employees do have the right to participate. The State has gone with a standing notification approach so all upcoming elections don't need to be tracked.

b. Personnel (Jennifer Williamson)

1. **Any plans for new titles, reclassification or earmarking of existing titles, redefining job descriptions/duties, or other changes to a title?** – Nothing new since the last meeting.
2. **PEF requests discussion regarding ability of Employment Services Reps (ESRs) and Employment Counselors to sit for the Senior Labor Services Representative exam** – In recent years Civil Service (CS) is having direct titles only being able to sit for exams as that is that title's career path. Anyone who had prior service in an LSR title that's currently in an ESR or EC title can sit for the exam-they have to provide proof of their past history in the LSR title. CS makes the final determination on titles eligible to sit for an exam. In response to PEF's inquiry if most ESRs have prior LSR experience, Management responded yes, most do.
3. **PEF requests discussion regarding how need for language parenthetical positions is determined** – When

program notifies Personnel they need a specific title at a location, Personnel reviews the request. Program also reviews the locations where most language line calls are received so a decision can be made if we should create a position there instead of using language line. For example, Haitian-Creole and Korean had heavy language line volume, so a parenthesis was created.

4. **DOL email canvassing implementation** – CS issued a new email canvassing process. DOL is testing the process and has shared issues/concerns with CS. DOL anticipates using email canvassing sometime in the fall.
 5. **Telecommuting program update** – We anticipate rolling out Phase 3 in the fall. An email/L memo will be issued with details as well as notifying participants of Phase 1 and 2 of the reapplication process.
 6. **June 2019 Employment Services Manager 1 and 2 exam** – CS did not have enough test booklets for these exams. Some people were told to leave the facility and rescheduled for the following week. This did not delay results because CS has makeup days built into their timeframes. Results for the exam are already out. We spoke with CS and expressed our concerns. CS stated they are going to make efforts to make sure this doesn't happen again.
- c. **LEAD update** – One hundred and twenty-six (126) employees trained in June, eighty-three (83) trained in July, year to date from January to July 1357 employees trained at DOL.
 - d. **Technology/Miscellaneous** – PEF requests update on IBM Aspera for Labor Standards and other field units. Management stated it has been pitched to Worker Protection and program is checking and working to implement it as they see fit. PEF inquired about difficulty of learning the application. Management asserted there is not a steep learning curve. PEF inquired if Aspera could be used for photos. Management (Geoff) will find out and email answer to Scarlett.

5. **Division of Employment and Workforce Solutions (Russ Oliver)**

- A. **Division Update** – Next Wednesday is the 32nd annual Hot Dog Day, \$7200 was raised last year.
- B. **Update on Manager and SLSR promotions** – Sixty-two (62) new staff hired since last LM meeting, five (5) managers appointed (some in central office, some in field). Results for manager exam came out on August 7th. Manager positions still need to be filled for Southern Tier and St. Lawrence. Three (3) SLSRs hired for Wampsville, Geneva, and Kingston

(all back-filled positions). SLSR exam will be given at the end of September.

- C. **Hourly LSRs made permanent** – Since the test came out we've made seventy-one (71) people permanent and will make more as soon as they are reachable.

6. Unemployment Insurance Division (Mary Batch)

- A. **Division Update** – Overall the division is doing very well. Regarding the Troy TCC move, we know the move is a big change and we want to make sure this is done as easily as possible on our staff. We had Troy TCC managers tour the new building 12 location to take a look around and see what works and what employees might have an issue with. We are now trying to make adjustments as much we can. Managers have also been told that as they are receiving feedback it should be relayed so we can make sure employees are as happy as possible. Three groups will be moving out of TCC. The move will occur anytime between September and November. We are sending out packages with FAQ information (for reasonable accommodation, phone number, maps, IDs, parking passes, room assignments, security).
- B. **Update regarding RFP for mainframe** – See item C below
- C. **Update on the UI Modernization project** – M/C, PEF, and CSEA employees collectively have done a phenomenal job with developing the RFP, language used, and evaluation documents used with the vendor. The vendor is TCS, which was selected by subject matter experts through the procurement and evaluation process. TCS has proven success with six successful implementations on time and on budget (New Mexico, Nebraska, Mississippi, Maine, Missouri, Wyoming). TCS is now working on a consortium project with multiple states. NYS is basing our system on the Missouri model, which means that at least 70% of the actual system is already built. That coding will be used here with additions from what the Subject Matter Experts recommend. The phases of the project are initiation and planning phase (current stage), the requirements analysis stage, followed by systems testing and user acceptance testing. Two deliverables: Benefits Appeals and Employer Contributions and Appeals and there will be a bridging between the two of those. Tentative date for those will be 2022, but there will be a gap between the two. The project is very broad, it does not just involve Unemployment Insurance Division. Unemployment Appeal Board, DEWS, and OSI are all involved in this project.

PEF requested information on whether Form A and B have been filled out, which outline how many employees a state contractor has hired and their compensation. Management stated that contract was fully executed and if

that were a requirement during the procurement process it surely had been done. PEF inquired about obtaining copies of those documents as PEF OITS may be interested in data if jobs that were contracted out possibly could have been done by PEF employees. Management responded that may be more appropriate for OITS labor management.

PEF raised the issue that LSRs would like to be like other states and communicate with TOCS program using their portal but have been told they can't due to security concerns. Management responded that there have been extensive talks regarding what can be done using that portal and there are some security issues to work through to make sure our customers were protected.

(Stephen Geskey) - Regarding the Troy move we have other updates, the biggest being Verizon. We're nearing launch on the OC (original claim) process, currently in user acceptance testing process. Regarding LEP issues, we recently requested federal funding and expanded our certification process to include Mandarin, Cantonese, Russian, and Korean with Bengali pending. We've received some good feedback from the employees using Verizon already. Regarding staffing, we've hired thirty-eight (38) new staff since last labor management meeting – nineteen (19) are PEF, twelve (12) are in LSR titles.

7. Research and Statistics (Bo Wynnyk)

A. Division Update – In Research and Statistics, we've had very little change in staffing, we've added one (1) junior professional staff, two (2) retirement items to be filled (mid-level professional positions). Other than that staff is working great, meeting all deliverables. There are no special projects, we had the Census project last year with the addresses, in the next few weeks we're going to be getting Census' call on the addresses they accepted so we'll have a little bit of time to appeal or agree/disagree with what they did.

8. Worker Protection Division

A. Safety and Health Update (Maura McCann) – Vacant positions: two (2) Inspectors in PESH, two (2) Associate Industrial Hygienists in PESH, Industry Inspector. Filled – Senior Inspector in Asbestos, PESH Inspector, two (2) Industry Inspectors, PESH Senior Safety and Health Inspector, Senior Industry Inspector.

a. PEF asks if DOL will support reallocation of Boiler Inspectors from SG-14 to SG-16 (Geoff von Bieberstein) – Management asserted there are significant classification and fiscal issues to consider, the division is already stressed fiscally so we cannot

support advancing that request.. PEF asserted there are only nineteen (19) boiler inspectors and with the impact they provide on public safety they should not be the lowest paid PS&T employees in the agency. Management will circle back with executive team and have further discussion with program.

- B. Public Works Update (Chris Alund)** – We've filled two (2) Investigative Officer 1s, in process of filling five (5) more Investigative Officer 1s. As soon as we have an anticipated retirement, we start recruitment process to fill those items. PEF inquired if Labor Standards Investigators are Investigative Officer 1s and if they are transferable to Public Works or are they not eligible? Management stated Public Works has minimum qualifications to transfer which is why they have kept their parenthesis. There is no current transfer determination.
 - C. Labor Standards Update (Maura McCann)** – One (1) departure from Syracuse, currently trying to fill eight (8) positions. Division is working well, dispersed almost 2 million dollars in July to workers.
 - D. Special Investigators Update (Vincent Coyne)** – We're four (4) positions short of full allocation in OSI, vacant Investigative Officer 3 in Western New York to be filled shortly, and three (3) investigative positions vacant throughout state. 75% of investigators downstate have between six and eight months in their titles so we're doing a lot of training. There is a high rate of fraud and we are working to identify it quickly and returning that restitution to the fund. This month we referred sixty-four (64) criminal cases and over half a billion dollars.
 - E. Division of immigrant Policies and Affairs Update (Jeanette Lazelle)** – Currently DIPA has sixteen (16) employees statewide, thirteen (13) are PEF members. Since the last meeting we've hired one (1) Immigrant Worker Specialist 1 in Albany. There are two (2) additional Immigrant Worker Specialist 1 positions vacant, one in Buffalo and one in Albany. PEF inquired if Farmworkers Bill was signed and if there was any funding attached, management stated it was signed, no funding attached. We are out in the field and farmers are asking questions. We are having internal discussions with staff and will educate farm employers accordingly.
- 9. UI Appeal Board (Matt Tierney)** – USDOL requires us to maintain a thirty (30) day case average age and have 80% of our hearings decided within forty-five (45) days. We are consistently meeting those markers. In mid-July we transitioned to a new case management system. As far as staffing, two (2) Brooklyn ALJs have left and we are in the process of backfilling both of those items.



Geoff von Bieberstein
Director of Employee Relations
Management Co-Chair



Scarlett Ahmed
PEF Co-Chair