

**OTDA PEF Labor Management Meeting  
September 26, 2019  
PEF Headquarters  
1168-70 Troy Schenectady Road  
Latham, NY 12110  
9:00 A.M – 12:00 P.M.**

**I. Introductions**

**II. Agenda**

**1. Item: Training for Hearing Officers**

**New Business**     **Old Business**

**Description:**

A Request for Training was made for Hearing Officers.

With many long-time Medicaid Hearing Officers retiring, training is desperately needed for many of the Hearing Officers who are being assigned the very complex Medicaid Hearings including MLTC, Clinicals and Budgeting.

**Response:**

Management recognizes the issue and has taken aggressive steps to help with training and will continue to take these steps. Both PEF and Labor have volunteered to conduct the training.

Management will provide a response within 30 days.

**Action Item:**

Management will provide a response within 30 days.

2. **Item: Number of Medicaid Cases, Calendar Increases**

**New Business**    **Old Business**

**Description:**

Because of the backlog in unscheduled Fair Hearings, predominately in the Medicaid area, caseloads have increased. Hearing Officers feel that many of these hearings are very complex and take very much longer than Public Assistance Cases. Hearing Officers are having to go into their lunch hours or stay late to complete the increased calendars, as well as creating a backlog of unwritten cases.

**Response:**

Management is aware of the issue and has been reviewing the metrics on an ongoing basis. Management is open to continued discussion with Labor concerning scheduling and changing that process. Management is also attempting to adjust scheduling based upon past show rates for individual ALJ's.

**Action Item:**

ALJ's who have a high show rate should contact their Supervisor.

3. **Item: Hearing Officer Assignments**

**New Business**    **Old Business**

**Description:**

Hearing Officers are being brought in from throughout the State for both Medicaid Hearings at 14 Boerum and for Home Hearings. If the Agency is willing to pay Hearing Officer's expenses for travel and lodging to come to New York, why not offer overtime or comp time to NYC Hearing Officers?

Also, can you please confirm the process of how these Hearing Officers are being selected for these assignments?

**Response:**

Management attempts to equitably distribute itinerate hearing assignments and to the extent possible limit overnight stays. Management is aware of the issue and with regard to Home Hearings, if such assignments raise safety concerns for the individual ALJ, they should be brought to the attention of their Supervisor and they will be addressed by Management.

Management is open to discussion with Labor to ensure an appropriate forum for such hearings is provided by the appellant.

**Action Item:**

Management and Labor will meet to discuss health, safety and notification concerns regarding appropriate policy and procedures of ALJ's holding Home Hearings within 30 days.

4. **Item: Cooperative Disability Investigations (CDI) Fraud Unit**

**New Business**    **Old Business**

**Description:**

PC1 has a CDI Fraud Unit that previously had two Disability Analyst 3's doing background and final reports on claimants with possible allegations of fraud. One Disability Analyst 3 in the unit recently retired and has been replaced by a Disability Analyst 2 who is performing the same duties as the remaining Disability Analyst 3 who is not supervising the Disability Analyst 2.

**Response:**

The Disability Analyst 3 (DA3) is a working supervisor who reviews and approves timesheets and reviews and approves Disability Analyst 2 work product; including reports of investigations.

Management will provide a copy of the signed MOU to Labor within 30 days.

**Action Item:**

Management will provide a copy of the signed MOU to Labor within 30 days.

Management will look into how the CDI position was filled after being vacated by a DA3. Management will inform the Labor Chair within 30 days.

5. **Item: Protocol Advise**ment

**New Business**    **Old Business**

**Description:**

PEF requests guidance from Management on appropriate protocols for common situations that occur such as: when subordinate employees observe superiors mistreating audited clients or providers, avoiding health and safety best practices, bullying of fellow employees, providing unwarranted leniency to egregious clients or providers, etc.

We are looking to avoid potential uncomfortable or embarrassing consequences.

**Response:**

Management encourages employees to speak to their chain of command. If the employee feels they cannot do so, they can reach out to the Bureau of Human Resources.

**Action Item:**

Management and Labor will meet to discuss health, safety and notification concerns regarding appropriate policy and procedures of field staff.

Human Resources will contact the Labor Chair within the next 30 days.

6. **Item: Anticipated Staffing Level for this Year**

**New Business**    **Old Business**

**Description:**

How many Disability Analyst 2's, Disability Analyst 3's and Disability Analyst 4's are there in Endicott?

In the local meeting, local Management noted that a Disability Analyst 3 position would be considered and re-evaluated late in the 2019 calendar year.

Also, a request was made for the Disability Analyst 2 trainees to be placed on a 1:1 basis. Management stated that Endicott has been allocated one backfill slot for a Disability Analyst 2; however, there had been no information from Central Office.

**Response:**

DDD Management is committed to ensuring appropriate staffing in Medical Relations Office (MRO) units. Management will continue to review the need for additional staffing in Endicott's MRO unit, including the possibility of a DA3.

Management has tried to replace trainees as they left. Replacements have occurred across DDD, and not necessarily tied to the site where the attrition occurred. Hires have been made depending on available candidates.

**Action Item:**

DDD's Deputy Commissioner is planning a trip to the Endicott site this Fall; likely October; and will engage further conversation with Labor about staffing levels and other appropriate issues.

7. **Item: Case Assignment of Hearings Request (HR) Cases**

**New Business**    **Old Business**

**Description:**

Management considers HR work to be task-based. Labor disagrees and feels that it is more than just a simple task-based process.

Labor is looking at the inequity of HR receipts between the different PC's and is asking Management to provide information regarding how SSA sends HR receipts to the PC's. Management was going to look into this.

**Response:**

MRO does not perform end to end case development and adjudication, nevertheless DDD Management is committed to ensuring that our MRO units are properly staffed. Consistent with that commitment, Management has added 3 AMRO's to the MRO unit in Endicott. Management does not consider HR to require end to end case development. In some situations, Management has assigned Program Aides to assist with HR work. Management feels that these assignments are consistent with the Civil Service Standard for Program Aides.

PEF disagrees with the above response.

**Action Item:**

8. **Item: Reallocation of the Disability Analyst 2**

**New Business**    **Old Business**

**Description:**

Labor is requesting status updates and information regarding the potential reallocation of the Disability Analyst 2, SG 20 to SG 18.

**Response:**

Management stated Civil Service is still reviewing and has not provided a timeline.

**Action Item:**

When Management receives the determination, they will inform Labor and will discuss the next steps.



### III. Project Reporting

**Item 1:**

Action Item Follow up:

Status update from Labor's previous request for State-wide Disability Analyst 3 training.

Follow up:/Closed: DDD Management is actively working through OTDA training components, to put together a training package. Progress has been made, and management will keep Labor informed of continued progress.

**Item 2:**

Action Item Follow up:

Labor is following-up on a request to review data from the DDD database regarding the previous request of Disability Psychologists working a compressed/4DWW.

Follow up:/Closed: Management is unable to support this change, based on a review of records related to PHD and Medical Review Doctors. That review indicates that processing time for our PHD's is delayed relative to other Medical Consultants.

DDD Management is willing to review this matter again after 1 year.

### IV. Informational Items/ Accomplishments

Pam August is the new PEF Agency Level Health and Safety Chair.

### V. Next Meeting/ date & place

Management and PEF will review dates for the next meeting and will inform everyone when the meeting will take place.

The following individuals were present at the OTDA PEF Labor/Management Meeting held on September 26, 2019, at PEF Headquarters, 1168-70 Troy Schenectady Road, Latham, NY:

Carl Anderson	Labor
Jessica Carpenter	Labor
Sharon DeSilva	Labor
Richard Fletcher	Labor
Ellen Fuller	Labor
Germaine Greco	Labor
Mickey Heller	Labor
Diane Herrmann	Labor
Mathew Manecio	Labor
Usher Piller	Labor
Maddie Shannon Roberts	Labor
Martin Robinson	Labor
Ryan Stoliker	Labor
Deborah Walton	Labor

Kenneth Crannell	Management
Roy Esnard	Management
Michael Hein	Management
Lisa Renee Keegan	Management
Mark Longtoe	Management
John Nieckarz III	Management
Dan Romero	Management
Eric Schwenzfeier	Management
Jill Shadick	Management
Sam Spitzberg	Management