

# AGENDA

## OTDA PEF Labor Management Meeting

**Date:** June 2, 2021

**Location:** OTDA, 40 North Pearl Street, 3<sup>rd</sup> Floor Conference Room, Albany, NY

**Time:** 9:00 a.m. – 12:00 p.m.

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### Introductions

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### Agenda Items

#### 1. Agenda Item – Telecommuting for DDD

New Business       Old Business

**Description:** The Governor has extended the Telecommuting Pilot Program until July 2, 2021. Does DDD expect to telecommute after July 2021? How successful has the Pilot Program been thus far?

Has any employee been denied the ability to telecommute? If so, what is the basis for denial?

What is the plan for continuance and how can Labor assist?

**Response:**

OTDA as well as DDD are awaiting guidance to be released by the Governor's Office of Employee Relations (GOER) regarding the pilot program currently extended until July 2, 2021. How successful the DDD tele-work has been is still being analyzed by a majority of factors. No one has been denied the ability to apply for tele-work however, your privilege to tele-work can be revoked.

Labor's position is if there is ever the ability to tele-work we want it to continue. Management's position is we support the continuance as long as GOER and SSA's guidance allows.

**Action Item:**

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## 2. Agenda Item -- Status of Lease for Endicott & the Move of DDD's New York City Office

New Business       Old Business

**Description:** The complex that houses the Division of Disability Determinations (DDD) in Endicott has a for sale sign up. Please provide a status update on the lease.

Labor requests a timeline/update on the NYC DDD move.

**Response:**

The plan is still to remain in Endicott. Regarding NYC DDD move the current move date is mid-September (pushed back from August based on lease extension at Church Street).

**Action Item:**

Management will continue to follow up with OGS regarding the lease in Endicott and will inform Labor. Labor will check-in with Management in two weeks.

Management and Labor will look to clarify if the Endicott building is for sale.

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### 3. Agenda Item – Restoration of Accruals from December 18, 2020

New Business       Old Business

**Description:** What is the status of restoring the accruals used on December 18, 2020 while Broome County was still in a state of emergency?

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**Response:**

**A Civil Service Commission meeting was held on May 19, 2021 during which they disapproved the request to suspend the attendance rules for Broome County employees on December 18, 2020.**

**Action Item:**

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#### 4. Agenda Item – Overtime Pay for Disability Analysts 3, G-23

New Business       Old Business

**Description:** Due to increasing workloads within DDD Statewide, Labor requests restoration of overtime for DA3's.

**Response:**

**At this time overtime for DA3's is not authorized, but will now be considered. DDD Management will take back the concerns (burn out, employee stress, morale, mental and physical health and safety) heard from Labor and get back to Labor on its decision. Labor reminds Management the overtime for pay rate for DA3 would be at a grade 20 level.**

**Action Item:**

**Labor will survey the DA3's to see who would be interested in working overtime at the grade 20 pay rate and report back to DPM's.**

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## 5. Agenda Item – Office of Administrative Hearings (OAH)

New Business       Old Business

**Description:** Update of the Statewide 'temporary' 3/2 Calendar changes for OAH Administrative Law Judges (ALJ). Schedule change still in effect.

**Response:**

**Management continues to monitor the case load, particularly back logs unscheduled or to be rescheduled hearings. The back log is gradually being reduced, but not sufficient to allow for current change in schedule. We are actively recruiting and have hired several hearing officers that are being brought on board as quickly as possible. This will reduce hearing officer caseloads. Management will continue to assess and make changes as appropriate.**

**Action Item:**

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## 6. Agenda Item – Diversity Plan

New Business       Old Business

**Description:** Labor requests OTDA share an updated copy of OTDA's Diversity Plan.

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**Response:**

**The agency diversity and inclusion plan needs to be submitted for external review on September 25, 2021. Once OTDA receives feedback from the Department of Civil Services Office of Diversity and Inclusion Management we will share the plan with Labor.**

**Action Item:**

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## 7. Agenda Item – DDD Hires and Separations

New Business       Old Business

**Description:** What are the total number of retirees, per DDD location? What are the plans to replace? When does the agency expect to reach fill levels of staff?

Labor recommends the backfilling of all DA2 vacancies on a 1:1 basis. What other FTE replacements and promotional opportunities for DDD can be expected?

Has the agency received permission to hire from the Division of the Budget? Please explain. Additionally, Labor recommends backfilling all vacancies on a 1:1 basis.

**Response:**

**There were a total of 88 separations during the period of April 2, 2020 through May 28, 2021. That included 76 retirements and 12 resignations.**

**There have been hiring freeze waiver requests made to the DOB for approval to fill some vacancies, as there is a statewide hiring freeze we are still awaiting DOB approval of these waivers.**

**Action Item:**

**JS to Plug in chart**

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**8. Agenda Item – DDD Written Guidelines for In-Line Reviews, No Case Days, Coverage.**

New Business       Old Business

**Description:** Labor is requesting copies of any and all written guidelines that are currently in place for In-Line Reviews; No Case Days; Coverage; any guidelines.

Re-assignments have increased due to long term leaves, statewide in DDD. Are Disability Analysts 2 (DA2's) minused cases from regular intake when they are assigned re-assignments? What is the policy?

Labor recommends minus cases from Intake for re-assignments.

**Response:**

**Management will provide written guidance for case free days and inline reviewing. Reassignment are excluded from case free days. If membership has any questions or needs further instruction regarding inline review defer to local module management.**

**Management will continue to monitor the situation.**

**Action Item:**

**Combine Agenda items 8 and 12**

**JS to add Link to POMS**



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**9. Agenda Item -- Information Technology Specialist Positions (ITS), in DDD, Does Not Offer Career Mobility to PEF members.**

New Business       Old Business

**Description:** Labor is requesting a change of ITS staff titles, so they are the same grade as ACP Coordinators. For example: Systems Coordinators.

Labor is requesting Management look into backfilling vacant Systems positions. And the return of systems item to Endicott.

Labor requests the ACP Coordinator position and ITS positions be filled.

Labor also asks Management to cease using ITS contract employees to do ITS work within DDD, and Management instead use appropriately titled NYS PEF employees.

In DDD ITS, there is a lack of the following:

- Lack of promotions for Information Technology Specialist (ITS) staff locally.
- Lack of On the Job Training opportunities, and access to Training funds for NYS Employees.
- Lack of proper supervision/Management for ITS staff locally.

**Response:**

**Management believes the ITS staff and the DA staff who are ACP Coordinators are properly classified.**

**Management will look into filling a position for Grade 18 in Buffalo barring authorizing from SSA and from DOB, as there is currently a hiring freeze. Endicott has sufficient staff on site.**

**Management uses ITS contract employees on an as needed basis.**

**Labor disagrees with the above and rejects Management statements regarding the use of contract employees.**

**Action Item:**

**Labor will reach out to Management to provide examples of out of title work.**

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**10. Agenda Item – Information Security, Confidentiality, Privacy and Compliance**  
**Internet and Intranet Acceptance Use Policy**  
**Chapter 4 – Section 7, Section III: OTDA Rights**

New Business       Old Business

**Description:** Many employees, as a result of COVID-19, have been using their own personal computers to perform OTDA work assignments. This policy seems to give management the authority to have full access to an employee’s private computer. The policy does not seem to protect the rights of the employees, in writing, regarding information stored on their personal computers. In addition, the policy states “OTDA reserves the right to change its policies and rules at any time and makes no warranties (expressed or implied) concerning Internet or Intranet service, and it specifically assumes no responsibilities for:

Please advise what rights the employee will have regarding protection of “private” information stored on their computers.

**Response:**

**Management is still reviewing the APPM comments provided by Labor, including addressing the concerns in this agenda item.**

**Action Item:**

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## 11. Agenda Item – Statewide Division of Disability Determination Meetings

New Business       Old Business

**Description:** Labor request the resumption of Statewide DDD meetings with the Deputy Commissioner of DDD.

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**Response:**

**Management will discuss when a Deputy Commissioner is appointed.**

**Action Item:**

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## 12. Agenda Item – In Line Review Practice

New Business       Old Business

**Description:** Increased caseload & reassignments due to retirements & pandemic delays have prevented timely adjudication of disability cases. As a result, cases are being hand-led by multiple analysts which contributes to delays & adds to declining morale amongst workers. In-line reviewer comments are not consistent across the board and leads to confusion and delays. This is a new policy. How long will it be in place?

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**Response:**

**Combined with Agenda item 8.**

**Action Item:**

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## Informational Items/ Accomplishments

Labor respectfully recognizes PEF Labor Leaders within the Office of Temporary and Disability Assistance who have retired and/or are stepping down that faithfully served this agency, and the members with Due Diligence:

Deborah Walton, Labor Management Chair, Retiree

Germaine Greco, Executive Board.

Richard Fletcher, Executive Board.

Maddie Shannon-Roberts, PEF Trustee.

Thank you all for your service in the above capacity.

**OAH continues to support remote operations so long as the appellant show rate continues to remain high and remote operations continue to be effective.**

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## Next Meeting/Date & Place

Proposed dates for the next OTDA PEF Labor/Management Meeting are:

- September 8, 2021
- September 9, 2021
- September 15, 2021
- September 16, 2021
- October 6, 2021
- October 7, 2021