

# **New York State Public Employees Federation AFL-CIO NYS**

**&**

## **Office of Mental Health**

### **Statewide Labor Management Meeting Minutes**

**June 26<sup>th</sup>, 2025**

#### **PEF Representatives Present**

*See sign-in sheets*

#### **NYS OMH Representative Present**

*See sign-in sheets*

#### **Preapproved Ground Rules**

- Agenda items shall be exchanged at least (2) weeks prior to the date of meeting and shall include a synopsis of the issue at hand as well as a proposed solution.
- Upon mutual consent items on the agenda may be tabled for discussion at a later date.
- The duration of the meeting shall be (3) hours
- Timeframes shall be established for addressing applicable agenda items
- Monthly meetings shall be held for information exchange
- Exchanging and approving minutes from the prior Statewide Labor Management Meeting will be a standing first item on each new agenda

#### **Introductions**

Michael Izzano, OMH Associate Commissioner, thanks PEF for hosting them 2 weeks ago, one of the things that followed that meeting is an agreement between Michael and Darlene to meet weekly. He really appreciates the cooperation.

Darlene Williams, PEF Vice President, added, that they are going to meet every Monday. If you [PEF members] bring any issues to the attention of Chris and Andrew, she can bring that forward in her meetings. I think these meetings will be most helpful in expediting issues. When things are brought up at the local level that need answers very quickly, we won't have to wait for the next Statewide Labor Management (SWLM) Meeting to discuss them.

- 1. Multi-Union Subcommittee to Address Violence & Contraband** – PEF requests the creation of a subcommittee with a narrow focus on security staffing, security protocol, and the quelling the flow of contraband in and out of OMH worksites.

**Agency Response:**

*The Commissioner is excited to meet regarding Contraband.*

*Moira will be sending over dates to PEF and Mike. When Chris Moreau returns from vacation, he will send dates to Moira that we are in agreement to.*

*Mikes Supervisor is the Deputy Commissioner; her last day is today – Ben Rosen will be the new Executive Deputy Commissioner. Certainly, if it is okay with this group, he will pop into these meetings to meet everyone.*

**PEF Follow-Up:**

Will you be creating a sub-committee?

**Agency Response:**

*Mike – anything that is pressing that has a mutual interest to PEF and OMH, will be discussed at our standing weekly meetings [Mondy meetings between Mike Izzano, OMH and VP Darlene Williams, PEF].*

*These are not to replace Labor Management, they are just routine, regular conversations to take care of things quickly, as they come up.*

**PEF Follow-Up:**

Darlene followed by saying she will have follow-up conversations with AI, Chris and Andrew to keep Labor up to date.

**Management Action Item:**

Moira to send a list of dates the Commissioner has availability to PEF and Mike Izzano.

**PEF Action Items:**

Chris Moreau (once returned from vacation) will respond to Moira with the date(s) Mike and other PEF representatives agree on.

Darlene will keep AI, Chris and Andrew up to date on any prevalent information or discussions had during her weekly meeting with Mike Izzano.

## **2. Protocol Following the Death of a Patient –** PEF requests procedural clarification in the event of a patient death.

### **Agency Response:**

*Earlier this week, Mike sent over the official policy. It was also printed and distributed during this meeting.*

*If you have any specific questions, bring them forward and Mike can reach out to his “quality” people to discuss further.*

### **PEF Follow-Up:**

Is there a policy regarding the movement of clients away from the deceased body to prevent causing additional Trauma?

### **Agency Response:**

*The written guidelines have been provided, if you have other specific questions (possibly tied to experiences you’ve had), please write them up and send them to me [Mike Izzano]. We can have a conversation, offline, with one of our quality people and get those answers for you.*

*There is a policy with general guidelines for trauma training. I can supply that to you guys. Those Trauma Teams are deployed relatively frequently. So, if you have any feedback, we would appreciate that.*

### **Management Action Item:**

Mike Izzano to send PEF labor the referenced policy inc. general guidelines for trauma training.

### **PEF Action Item:**

Reach out to Mike Izzano directly with any specific follow-up questions related to this agenda item.

**3. MHARS – PEF requests the agency reconsider its actions with respect to:**

- a. Copy/Paste
  - The inability to Copy/Paste is costing clinicians hours of productivity.
- b. Training
  - The training was rushed/haphazard
  - Additional Training is a necessity
- c. IT / Medical Information Subgroup
  - Consider a subgroup that meets at least semi-annually to discuss statewide issues with the current electronic medical records system and possible ways to resolve them.

**Agency Response:**

*Fortunately, or unfortunately, we have had a lot of feedback on that; and it's not good. (i.e. Significantly decreasing the efficiency of our staff.)*

*Many suggestions have been made to resolve the matter. We are still working on this.*

*Management wants to make sure everyone is aware why this change occurred. We had a CMS audit; a lot of historical progress notes were being copied and pasted word-for-word as "new" notes.*

- *OMH was forced to give back 40 million Dollars because these progress notes were not accurate.*
- *There is a meeting with the Commissioner on Thursday of next week to present some potential fixes to this. Nothing is set in stone until the commissioner and others sign off.*

*Given the current financial risk, Management does not think that we can completely revert back to copy/paste, but we should be able to put some similar options in place.*

- *It's a matter of deciding the best way to go about it with the Commissioner, State Operations, Audit Folks, etc.*
- *For any of these updates to go in, they need to be tested. We anticipate a 4-6 week turnaround to have it up and running with the changes.*

*They hope the final direction of how OMH plans to implement these functionality solutions be made next week.*

- *From Jerry's read, they have met multiple times, and the most recent options appear to be as close to the copy/paste function as originally designed. He hopes to work with ITS on initiating this ASAP.*

**PEF Follow-Up:**

*With this new program, the formatting is not aligned. Some of the spaces are too big making it look unprofessional. It doesn't create a good impression to the prescriber, or the agency. Perhaps moving some things around to make them more aligned would be very helpful.*

**Agency Response:**

*If you provide us with a detailed illustration to show where the formatting needs to be more refined, we can make the appropriate adjustments relatively easily. If you don't mind, sending us some examples and suggestions, we will take those back to be addressed.*

**PEF Follow-Up:**

Could we establish a small sub-committee of prescribers that could meet every 6 months?

**Agency Response:**

*Management agrees communication could be better. It has been made very clear that even though we are contacting people, they aren't getting the message.*

*We have 15 subject matter groups that meet quarterly. All meetings are all recorded. All questions, answers and concerns are documented and taken into account.*

- It allows pretty much anybody in our system to participate in the future of how EHR is developed.*
- Unfortunately, since we don't have a signed contract, we can't discuss who the contractor is.*

*We want communication and are always looking at ways to improve on that.*

- We have discussed the possibility of assigning 2 people per facility to include in these meetings.*
- If you have suggestions about who should be involved in these meetings, we will welcome the additions.*

*In addition to those 15+ subject matter groups, there are also discipline committees that cover nursing, social work, psychology, etc., with momentum building on that side.*

- We started with 10 documented groups, and we are now at 15-20 groups.*

*Management will connect offline to include members of this LM committee as well. They will figure out what the appropriate information will be shared, and how to distribute it efficiently.*

- The more information sharing we can do, the better. We don't want to spend our time going back and forth with this after the fact.*

**Management Action Items:**

*Send Labor the referenced list including Key Points of Contact for each facility.*

*Assist in the formation of a small group to conduct all information sharing on MHARS updates/changes moving forward.*

**PEF Action Item:**

*Provide Management with a detailed illustration of how and where the program formatting needs to be more refined (including screenshots when possible).*

4. **VOCERA** – PEF requests that the agency pilot the VOCERA system at select facilities to enhance both productivity, and safety.

VOCERA is a communication method used at SUNY Upstate.

- It includes a communication device that connects you to an operator at any time.
- These devices bypass the alarm system and allow for response teams to locate staff in any event.
- They are supposed to be patient friendly.

Labor would like to know if OMH will consider a pilot of this program at Hutchings. The facility is not just one building, it is an enormous campus. We believe the implementation of these devices will cut down on injuries and potential loss of work at work.

- This ask was brought up at the local LM, and management seemed to be all for it.

**Agency Response:**

*What is the difference between VOCERA and BOSCH?*

**PEF Follow-Up:**

You can talk/communicate directly through the device, and it provides location services.

**Agency Response:**

*Are we going to have the same issues switching from one hardware to another?*

*I know that there is a statewide contract with Johnsons for the BOSH system. We would need to find out what technology this system uses.*

*You have already said this connects an alarm, tracker and walkie-talkie to one system. We need to know if this is a WiFi GPS based system.*

*Mike – The first step is to get an outline. It's not just one device; the company offers a lot of support.*

*If we can have a better idea of what equipment you are specifically looking at and we can have further discussion on that. Draft a proposal and get that information/proposal to Bryce.*

**PEF Action Item:**

**Draft a pilot proposal with all information possible and present it to Bryce for review.**

5. **Social Worker Update** – PEF requests an update on the recruitment and retention numbers with respect to social workers since the title changes and salary enhancements last fall.

**Agency Response:**

*Currently Management has numbers through the end of April 2025: with 433 appointments.*

*Recruitment/Retention – it is premature to speak on this. Probative that things are going well, but we would like to be cautious of speaking too soon. We are optimistic and will continue sharing these numbers at upcoming LM meetings; but management will need at least 6-9 months' time to form an opinion on how it is going.*

**PEF Follow-Up:**

Ex: Someone who was told to take the test took the test and is now being told they will be appointed when there is an opening.

**Agency Response:**

*Management feels they have been very clear with facilities; a “C” is a “C” there is no hiring freeze. It is our understanding we will make those appointments as the “C” when applicable.*

**PEF Follow-Up:**

We are concerned about everyone needing their evaluations on the same day in one year.

**Agency Response:**

*That will correct itself through attrition. We made a very concerted effort to bring everyone in on the same day to be sure it was fair.*

**PEF Follow-Up:**

Someone had a performance advance rate in April, is now making less than someone newly appointed in October. Appointment does not change advancement.

**Agency Response:**

*We can see the consequence in the timing, but this was not structured as a “Title Structure Change”; this is a “New Appointment”, it is a mechanical thing. We would need an example.*

*Anyone appointed before June was either Temp or Provisional. For many people designated as a non-permanent, on June 16<sup>th</sup> (maybe 11<sup>th</sup>), their title was made permanent.*

*The minimum probationary period for all of those provisional titles are case specific; but those 6 months counted towards their probation.*

**PEF Action Item:**

Gina – to send examples of performance advancement vs. advancement to Andrew and management.

**6. Weaponization of Counselings/PIP's/Probation Extensions** – PEF contends that there has been an uptick in Counselings/PIPs and Probation Extensions.

- a. Does Central Office track any of these things?
- b. PEF contends that in many cases, it appears they're being used punitively, or in an effort to force staff to reconsider applying for promotions or transfers.
- c. PEF has concerns that the frequency will continue to rise as members struggle to navigate MHARS, while receiving little assistance or support from management.

**Agency Response:**

*We don't track them; but Mike started doing some digging when he saw this on the agenda.*

1. *Second Probationary Periods: When someone has completed probation, but a supervisor doesn't believe they can independently perform their job tasks. In lieu of termination. This should include a new supervisor and new work assignment whenever possible.*
  - *Management cannot draw any real conclusions of secondary probations, but we would like to know if it is more prevalent in one facility than another.*
    - *If you see issues in real time, flag them for us and we will talk about it.*
  - *We would rather create an opportunity for someone to be successful than lose the individual entirely.*
2. *Probation Extensions: Extension for absences under the rule. When someone is on probation, the agency is permitted to count 20 absences as time worked in terms of accruing work for your probation. Anything more than 20 days must be tolled. We are required to do these extensions; it is our duty under CS law.*
  - *Noted a decrease in 2020 – the pandemic had less absences.*
  - *Noted an increase in 2023 – HELPS program increased hires.*

**PEF Follow-Up:**

What steps do you have to take to have probations shortened?

**Agency Response:**

*Rule 4.5 governs the minimum and maximum probationary terms. Rather than just recite, it is all listed. Probation can be made after the minimum term has been met.*

*Change in the law – provisional appointment counts towards probationary but temporary work doesn't count.*



**7. Justice Center/Grievance Update** – PEF requests an update as to the number of Justice Center Investigations, as well as Grievances, by facility.

At any given moment, we have people on leave; and sometimes it is months before they can return to work. Labor is looking to move this process along.

**Agency Response:**

*We want people getting paid to work, we don't want people getting paid to just sit home.*

*Employees aren't put out lightly – we either need to protect the complainant and the accused; or we are significantly concerned with the abuse that may have occurred.*

*If we have people out, we engage with them – nobody wants to see that leave reduced more than we do!*

**8. FTE Allocation**– PEF requests an update on how the agency intends on allocating the 604 approved FTEs in the budget.

- a. Facilities
- b. Titles
- c. Kirby FPC (Petition attached) (Maxine to provide formal response)

**Agency Response:**

*Unfortunately, it's not that easy. The 600 isn't connected to new initiatives. Over half of it (330+ or so) are reconciliation and "rightsizing" to reflect the increased amount of work that we have had over the last few years.*

*Our published fill level has never caught up. Over the last couple of years, we have had to add new staff (either for new beds or more support).*

- *220+ is connected to forensic beds and enriching, rightsizing forensic staffing generally.*
- *Our Central Office leadership is meeting to assess the best way to deploy.*

*20 nursing positions connected to the KIRBY petition.*

- *We appreciate the proposal presented; it was thorough and thoughtful.*
- *Thank you to Harold, and the committee that worked on this.*
- *We agree the 221 makes a lot of sense, maybe not at every ward; but whatever you think is necessary, we would like to hear.*
- *As the process continues, we will continue to keep those nurses engaged.*

*Proposal to enhance CDPC: a balance of 600 to staff central office – will likely be PEF jobs.*

- *The Commissioner and Executive Directors are still talking this through.*
- *Mike is committed to continuing the updates.*

**PEF Follow-Up:**

Requesting a letter from everyone as a baseline so they know their concerns are being heard and then we can take conversations from there.

**Management Action Item:**

Mike Izzano to continue updating PEF regarding any decisions or changes that come from the Commissioner and/or Executive Directors.

9. **LMHCs** – PEF requests the agency to consider salary enhancements for the LMHC title. PEF would also ask that the agency consider LMHCs for the TTL test.

To present LMHC Title currently Grade 19. LMSW is now Grade 20, LCSW Grade 23

- a. Licensed mental health counselors were not considered although the diagnostic privilege is equivalent to LCSW.
- It is a very similar license; however, people with that license are now 4 pay grades lower.
  - Currently LMHC have no career ladder – no upward movement.
  - Civil Service states that new exam postings will be out in September and that any information is confidential.
  - Statewide, the title has been used differently.

**Agency Response:**

*When OMH initially created this title (before diagnostic and before LCSW increase), we asked for it to be a grade 20 – Civil Service (CS) made it a 19.*

*Management doesn't disagree with Labor on this, we feel strongly about the title, especially with the authorization with diagnosis and development of patient plans.*

*Outside of the CS Salary Review, individuals have petitioned for this title. We agree it is comparable to LCSW title. Right now, we are prohibited to seek compensation due to the CS study. Once the study is done, we will have a much better understanding of how to approach this.*

*We have advocated strongly to CS that LMHC should be permitted to take TTL exam. Management feels aligned with PEF on this and will keep you updated as information rolls out.*

**PEF Follow-Up:**

Darlene, it is nice to hear the support OMH has regarding this title. Thank you, Kristen, for presenting this so eloquently. Kristen will bring this back to her coworkers in Buffalo, but what about the other facilities using this title?

**Agency Response:**

*Next week, Mike meets with the Executive Directors and will add this to our Agenda to discuss LMHC's – I think this in an underutilized title in our system.*

**Management Action Item:**

Mike Izzano to add LMHC title discussion to the agenda for the upcoming Executive Directors Meeting.

Management agrees to keep PEF abreast of any new information released related to LMHC title, CS Exams and/or the CS Title Review Study.

**10. Change in Bargaining Unit Notifications** – PEF requests that council leaders receive notification when members leave and/or enter the bargaining unit.

**Agency Response:**

*It's problematic when you are not made aware of new appointments.*

*We haven't heard of that until now.*

*Mike has a standing monthly meeting with the executives; he will add this to the agenda and include the requirements from Civil Service.*

**Management Action Items:**

Management to share monthly reports of new appointments made in bargaining units with Chris, Andrew and Al.

Mike Izzano will add a "Change in Bargaining Unit Notifications" discussion to the agenda of his next monthly executive meeting. During the discussion, he will include a reminder of the requirements from Civil Service.

**11. POA Database** – PEF has launched a real-time database to catalogue all POA's across the state.

Protest of Assignment (POA) – Are you concerned? Are you uncomfortable? Is this a safety issue?

- Regardless of the title, anyone who has a license and the potential to lose it if an assignment goes sideways, has the right to report.

PEF has purchased a database for people to submit their protest of assignment.

- Real time documenting will help remove plausible deniability.
  1. Protect the member.
  2. Protect the patient they are taking care of.

We want this to be talked about at a higher level so this can be used in a labor management.

- We have these posters (*held one up as an example to the room*) and are asking people to display them on their PEF bulletin boards around their facility.
- We have plastic cards and a QR code to be shared to all workers in facilities, so they have easy access to the database (*distributed these cards to the room*).

**Agency Response:**

*Management: what type of reporting features does this have? Is there a report that can spit out more specific details? i.e. meal breaks, if you can push a button that says, on this date and time this person doesn't have a meal break.*

**PEF Follow-Up:**

Yes, this reporting system will have those abilities.

More than half the state won't have access to this system until July 1<sup>st</sup>. However, once it is fully rolled out, all reporting will be timestamped and should take less than 2 minutes to complete.

**Agency Response:**

*We need to know about the people who feel abused; the people who are afraid to report. If this system provides information on the local level that we can bring to the statewide, it could be a very useful tool.*

**PEF Follow-Up:**

Our goal is to be able to utilize this data to help better identify these problem areas.

PEF is not only informing our nurses, but every member to utilize this system and enter their protest of assignment.

As we gather more data, PEF will present our findings at upcoming statewide LM meetings. Once the system is fully up and running, we will add this as a reoccurring segment to our LM agenda.

**Agency Response:**

*There is not one model for the entire state. Different locations/physical layouts dictate the staffing needs of each facility or unit in the facility. Management will go back and find out what factors are considered in a consensus plan.*

**PEF Follow-Up:**

Darlene then requested Mike Izzano bring this up at his Executive Directors meetings. She emphasized the importance that members found reporting POA's on their phones are not retaliated against; stating, "they have a right to fill out POA's and discuss it".

**Agency Response:**

*Mike agreed and will relay that to the executives. If there is an opportunity for HR and OMH Management to benefit from these forms as an instrument to guide these discussions, they will certainly encourage that.*

**Management Action Items:**

Management to research what factors are considered in a consensus plan and report findings back to labor.

Mike Izzano will bring up the POA reporting system at their next Executive Meeting and will advise Directors to encourage use of the system when staff feel it is appropriate.

**PEF Action Items:**

Nora to share results of 57 Protests of Assignment from OMH direct to Mike Izzano for his review. Once the POA Application is up and running, add a regular segment to review on all upcoming SWLM Meeting Agendas.

- 12. 90-Day Bid Rule** – PEF requests that in instances of Maternity/Paternity Leave, as well as in cases of assault, that the agency make exceptions to the 90-day rule in which members lose their regular scheduled shifts/pass days.

**Agency Response:**

*It is to our understanding (Bryce) that this has been resolved. This is a very isolated, unfortunate interpretation of what was happening and to our understanding this is not in practice any longer.*

*The CSEA contract is more specific. Given the posture of our government right now, we are not trying to make it more difficult for people to have children. Anything further than that really isn't something I think we should discuss.*

*If you have concerns about someone returning, please flag it for Mike.*

**PEF Follow-Up:**

People have been put out, and when they return to work, their shift is gone, and their pass days are gone.

The issue isn't solely with members returning from medical leave. When one employee returned after her discipline was settled – even though her slot was still open – supervisors refused to put her in that position.

**Agency Response:**

*Those are conversations we should certainly have. If there is a disciplinary case, I hope that it is being discussed at the facility before it is brought up to the Statewide LM level.*

*There has to be a fair rule that is applied across similar situations. NYSCOPA has different specifics in their contract. These things are very fact specific; that discussion should be had locally.*

X

Bryce Therrien  
Assistant Director, OMH

8/18/2025

Date

X

Albert Famularo  
PEF Labor Management Chair, OMH

8/18/2025

Date

X

Chris Moreau  
Statewide Field Representative, PEF

8/18/2025

Date