

PEF/SED Statewide Labor-Management Meeting

July 17, 2025

Meeting Minutes

Meeting Attendance:

PEF

Janice Anderson-Small

Rob Davies

Mickey Dobbin

Vivian Falto

Carlos Garcia

Carole Jarvie

Beth Karalak

Michael Lenig

Audrey Myers

Angelina Rodriguez-Billingsley

Sedona Runyon

William Wiley

Division Number

Division # 376

Division # 230

Division # 194

Division # 349

Division #194

Division # 372

Division # 194

Division # 349

Division # 376

Division # 376

Division # 230

Division # 206

Management

Jim Barron

Katlyn Curtin

Charmaine Daniels

Anne Fiscarelli

Anthony Forfa

Nikki Gregory

William Harris

Heather Henry

Lashanna King

Jeffrey Matteson

Lauren Newell

Christie Nunziato

Cynthia Robinson

Ethan Rumsey

Tammy Thayer

David Wiech

Meghan Keegan PEF SW Field Rep.

Chelsea Propati, PEF LM Assistant

Nadia Hedringto-Kemp, ASL Interpreter

Wanya, ASL Interpreter

MOU & LM Training

1. Labor requests a reasonable timeframe to complete the MOU.
2. Labor requests a status update on Managements completion of the training with a mediator to assist in writing an MOU.
3. Labor requests an update on when Local LM Meetings can start; and asks if they are supportive of DOOs?

Agency Response:

1. The Office of Special Education and ACCESS have merged. We intend to make an appointment to Director of Labor Relations (DLR), estimating a start date in August.

Let's try to come up with a schedule by that October 1st date – that gives us time to prepare those internal communications, so everyone is on the same page with expectations.

***Action Item:** Management agreed to have MOU edits to labor by October 1, 2025.*

2. This spring, Anne Fiscarelli met with representatives from Cornell; there was a concern regarding the cost of the LM training and who's responsible for the payment of each party.

Management also requests the training not be scheduled until after the new DLR has begun and had a chance to review the MOU.

Labor Response:

PEF will need to confirm who pays for management's side of the training. If the agency wants to just do the joint mediation section of the training, PEF would be amenable to that.

***Action Item:** Labor to clarify the parties responsible for payment of joint labor/management trainings.*

3. Management thinks there are already some local meetings underway. However, they are hesitant to commit DOO's to something without fully preparing them. We will look to expand as we can and as we are able once we can review the MOU a little more in depth.

Labor Follow Up:

We want to make sure we are handling issues at the lowest level possible. Since we can't have a meeting with the DOO's – should we bring everything to the statewide level? What are your thoughts on eventually getting to those SW Agency Specific LM Meetings – do you see that as a possibility?

Agency Response:

Although Anne is in her first year of this position, she feels as if our SW meetings are going well. She followed by stating she hasn't seen any urgent matters that aren't being addressed by management.

There are a lot of meetings proposed which require a lot of preparation on both sides. Breaking the meetings down by program area is something management is willing to take a look at; but they are trying to strike a balance between too many meetings and meeting everyone's needs.

Right now, Anne suggests people continue to go to Angelina. Anne will be chatting with all Directors of Operation that are on this call to see how they would like to handle this.

***Action Item:** Add this item to the next meeting SWLM agenda until decisions have been finalized and Local LM Meetings are properly organized.*

EOL

A new form has been introduced for PEF meetings, both external and internal.

- There are some new Codes for meetings that have been introduced.
- The form is not available on the website for use and labor is unsure if the new form has been distributed throughout the state.

Labor requests an explanation of expectations for use of this form. In addition, labor requests further discussion to answer additional questions on the subject. Finally, labor requests Management sign their name on responding emails.

Agency Response:

Tricia Heaphy has left the agency, please make sure you are sending those requests to OHRM LR Mailbox.

We do have some folks assisting with EOL because it is time & attendance related, so Anne will give that feedback to the team, and Will Harris can do the same as our Assistant LR, to put the name on the email. That is expected.

Reporting out EOL is done through LATS – as long as the LATS are accurate and the EOL time used is less than what was initially requested on the form, you don't have to resubmit the form. However, if the EOL used was drastically more than the initial form, that may require you to resubmit an EOL Form.

Action Items: *Management will go through codes and notify Labor of which forms to use for each meeting.*

Management will ensure the new EOL form is posted to the SED website.

Labor to remind members EOL request forms need to be submitted to the OHRMLR Mailbox.

Procedure for SED Incident Report Form

Who receives the report form? Is there a timeline of responses? If a member hasn't been contacted after filing a report, is there anything they can do to follow up?

Labor requests clarification on the process after an incident report has been filed.

Agency Response:

Incident report forms are sent to the HR Mailbox where Anne's secretary distributes them to her. If the reports don't come from security, we will also send them to security. They are reviewed and kept in Labor Relations (that is kept for the purpose of annual review of trends, or concerns of certain locations, etc.)

If a report is any indication of a medical emergency, it is also sent to HBA to ensure that the PD6 form was also completed.

The SED Agency is a very large agency with a very large scope of responsibility. With over 3300 employees, it is impossible for us to respond to those; unless something is specifically notable, or something rises to the attention that requires follow-up.

Labor Follow Up:

Members have expressed concern with the tone of Labor Relations (LR) in relation to being 'interviewed' and the process leading up to those conversations. Some members have even been told, "...as long as they have a union representative there, they don't have to worry about investigations".

Labor requests clarification and/or clear communication of what HR wants from members when interviewed after an incident?

Agency Response:

Our tone is generally serious and professional. As a rule of thumb, as long as they don't have a union rep. present, there should not be concern of why a member is called in for an investigative interview.

Labor Follow Up:

Can members call and ask questions?

Agency Response:

No, interviews are intended to ask questions and get those answers. HR can't always answer questions before an interview, as it could compromise the specific information we receive from the employee during the interview.

Labor Follow Up:

Management should not discourage members to not invite their PEF Field Representative.

Agency Response:

An investigation interview is different from a notice of interrogation.

It is impossible to say that an interview would never present information that could lead to an interrogation. However, the agency wouldn't conduct an interrogation without first sending notice and advising the union representative.

Bullying and Hostile Work Complaints

How are employee complaints regarding bullying/hostile work environment followed up?

Is a Bullying & Hostile Work Complaint the same as an incident report?

Is there a timeframe under which these investigations take place once an incident is filed?

Agency Response:

They are important and require prompt attention – on a case-by-case basis. We move them forward as expeditiously as possible but sometimes various units need to look at the case. At the end, it is sent to Anne in the form of an investigative summary, and they decide what action is to be taken from there.

Complaints could come in the form of an incident report, or they can come in the form of a request for investigation. Depending on whether or not there is indication of hostility or discrimination based on a protected class status – that will define whether we route it to LR or to our office of Diversity and Access for an investigation.

- Sometimes it starts in the office of Diversity and Access and is either substantiated or unsubstantiated.
- If it is substantiated it is going to go to labor relations for follow up.

Labor Follow Up:

Recently PEF and Management met around issues on Workplace Violence Policy. That is something that is still in process and these past two agenda topics may fall into that domain.

We are going to reserve fuller discussion for that venue when we can discuss the development of a document, procedures, etc... Labor is looking to see how many complaints were reported and their outcomes.

Procedure on Weather Emergency

When OER has not officially closed an office, we would like to present an outline for protocols/procedures to follow when temperature and/or water related incidents.

Agency Response:

We do not have the authority to send people home without having to charge accruals.

SED is part of the State of NY as one employer. We reach out to OER as early and as often as possible. We have made a good faith effort to do the best we can as we encounter these scenarios.

Perhaps we can develop communication to remind and inform DOO's they need to communicate when these situations arise.

***Action Item:** Labor to send an outline to HR informing all managers of contact procedures in the event of a Health & Safety Emergency. HR will respond to said outline once received.*

Policy on Leave for Professional Examination

Does SED have the ability to request Civil Service to test more frequently for provisional positions?

Agency Response:

Every year we take a look at our roster and advocate with CS to hold that test so we can make our provisional staff permanent. The goal is to get everyone who has the ability to be permanent to become permanent.

Civil Service is balancing our requests with the requests of other agencies. Unfortunately, not all requests are granted and those conversations with CS are confidential. Once the tentative schedule has been made public by CS, we can share and announce that information; but again, it is all subject to change.

Labor Follow Up:

There is concern in the length of the process from interview to hiring of new employees. Often times, candidates are no longer available once the agency offers them a position because the process has taken too long.

Agency Response:

Management recognizes that the process currently is taking too long. They also mentioned it being an outdated, manual process although they have asked for a dedicated recruitment software that would automate a lot of this. LR continues to engage in the process of improvement but would be remiss if they didn't mention the need for a dedicated candidate management system.

Action Item: *Angelina will talk offline with Anne on new employees being hired and not receiving their candidate letters.*

Labor Follow Up:

What is the guidance HR is giving to other staff when they are looking to approve the contractual time for professional examination?

Agency Response:

We get these requests very infrequently. When we review, we look at the employees' title, their qualifications and what kind of duties they perform and the exam to see how it aligns with what they are doing in their current position. We can absolutely put that in writing for you.

Action Item: *Christie Nunziato to send Labor a written review of the process HR uses when reviewing an employees' request for examination.*

Testing for Provisionals

What are the steps to inform Civil Service? What is the hiring process from each Program area?

Agency Response:

VRC's have been a high priority request for us. We need the senior and we need the associate exams to be given; but we don't want them at the same time.

We can certainly advocate and will continue to do that, but we cannot dictate what exams are made available or when they are held.

Civil Service is working on establishing exam centers around the state that will offer rolling exams.

- They will be focusing on promotional exams while the HELPS program remains active.

Labor Follow Up:

The process is too long. For example, we have an ACCESS mailbox that acts as a 3rd party candidate collection; further hindering the length of the hiring process. How long does it take for these candidate applications to actually reach the hands of HR?

Agency Response:

ACCESS began using custom software to assist with their recruitment needs.

ACCES – VR Counselor

1. Staff members are overwhelmed and stressed.
2. Staff members that are well in compliance being denied telecommuting.
3. Priorities are being changed on a regular basis – if everything is a priority, nothing is a priority. What should they address first?
 - Counselors can't shift on a moment's notice, and if they do, compliance is going to go out the door.

Agency Response:

A lot of this is driven by the feds – we have these benchmarks to meet on a monthly basis, but we don't really have control over these. Part of it is staffing, but it is also a matter of how we do the work we do.

Being fully staffed doesn't remove all of your problems. We try to reach out to the staff and identify what is redundant so we can streamline the process.

We are happy to listen if you guys have any suggestions. If we can narrow it down to specific areas and focus there, we might be able to make some progress.

Labor Follow Up:

Many concerns from members:

1. It's difficult to be efficient and compliant when so many different demands are being placed on you.
2. Many offices have different ways in which they are interpreting the policy.
3. When staff submit something for approval, there is no timeframe as to which the approval is being done.
 - Sometimes it takes 4-6 weeks to months for something to be approved.

We always talk about rapid engagement and not becoming the barrier for our customers. However, if staff is waiting months for something to be approved, that does create a barrier that staff cannot control.

4. As far as the 60 days to determine eligibility – staff do want to be in compliance. However, if they are stressed about bringing this down to 45 days and you have applications missing disability documents you cannot determine their eligibility.

Right now, the focus is on the graduation list and MSG list. If another list is on my desk or sent to my email each day, what should I be focusing on?

Staff should be offered overtime – it is an unrealistic expectation to ask staff to complete all this work in 7.5 hours. It just cannot happen, and staff should not have to lay out a proposal of why they need overtime when it should be evident. How will management assist staff in this?

Agency Response:

"As I always say to my staff, we are all each other's customers; if you are waiting, there should be some sort of explanation...I don't know how often local meetings are being held, but these issues should be resolved at the local level." – Jim Barron

We want to make sure that new counselors aren't carrying too many cases or too few. We have the ability to monitor that through central office so that should be helpful as well. Jim welcomes a list that is as specific as possible (listing the office) so he can address it.

Labor Suggested Solutions:

- Stop with so many lists.
- Offer staff OT to complete requested tasks.

Labor Follow Up:

Some offices are not having local meetings, is that something you are open to?

Agency Response:

Jim is “more than open to local meetings, I think they are necessary, and we should be having them.”

Labor Follow Up:

Certain offices are struggling with varied timelines. Is it possible to make rules across the board that would have each office functioning similarly?

Agency Response:

That is always the goal, ideally everyone is adhering to the same policy. I agree there should be some consistency, the actual implementation of that is a lot more difficult. We have to be mindful of how we are applying the rules. This is one of our biggest frustrations in CO – how to we assure that something is being implemented the way we intended? When we see something is not being implemented as directed, we correct it; but we don’t always know when something is not going as planned.

Labor Response Continued...

VRC duties as detailed through New York Civil Service are near unrecognizable. That is, the duties of the day-to-day job far exceed the duties as detailed; there is an incongruence here. The workload is of excessive volume and the tasks assigned may very well be outside of the scope of the job description as is clearly defined.

Another serious concern is how the bottlenecking of duties and approvals impacts both counselor autonomy and mental health. ACCES VRCs are highly educated, master’s level counselors, almost all of whom come from mental health, social work, or rehabilitation backgrounds. Despite this, we are required to seek supervisory approval for fundamental decisions, such as whether a case can be closed, even when the criteria are clearly met. This level of micromanagement undermines our professional judgment and contributes to a constant sense of disempowerment. It creates a work environment where highly skilled counselors are treated as if they cannot be trusted to manage their own caseloads or make sound decisions in alignment with policy.

The cumulative effect is not just frustration, it is a mental health issue. The inability to exercise reasonable autonomy in our roles leads to burnout, compassion fatigue, and a sense of futility. This, in turn, impacts retention, morale, overall performance, and the quality of services we are able to provide to customers who already face significant barriers to employment.

Action Items: *Labor to schedule a separate ACCES VR meeting with Jim.*

Labor to send an extensive list of concerns (with offices listed) to Jim.

1-81 Project and SOB Issues at Syracuse

Recently SEQA and the Office of Professionals and ACCES VR sent letters of concern with Syracuse District Office.

- I-81 is moving a lot faster than we thought. There is already a lot of congestion.
- At some point we are going to lose 4 or 5 parking lots.

Is there a process that would move us out of the state office building and into something that would be more convenient for our customers?

Agency Response:

Anne reached out to our facilities office – we are aware there are some parking implications. This is on our radar, and we will continue this conversation.

Redevelopment Plan for NYS Museum

Is it official that the 55 members of the State Library are fine for this fiscal year?

Agency Response:

Yes, the IMLS money did flow, we will need to see what happens in the next federal budget.

We need to make sure that our legislative representatives understand if there is not more IMLS, that that's an 8.1-million-dollar impact to our organization and would certainly challenge our local libraries as well. The second we see what is in that budget, we have to react at that time.

We understand the sense of anxiety – should there be any impact to staff we will absolutely be partnering with you throughout that process. We are aware of what that process looks like, and we just don't want to "jump the gun".

Statewide Legislative/Budget Updates

In the past, PEF and Management had agreed that as a standing item, the CFO and State and Federal Legislative person from SED would participate in the beginning of these Statewide LM meetings to provide an update.

We may need to have an additional conversation in the fall so we can make sure our resources to accomplish things both at the statewide and federal level aligned with the plans and goals of the State Education Department.

Theres a lot going on with the Federal budget that may impact the state budget. The good news, this morning, a report came out of the State Comptroller's Office that we are ahead in the State Tax Collection budget that may help to offset some of the cuts.

- We have threats to our staff at OCE based on the high IMLS cuts proposed at the Federal Level.
- 50 million dollars not approved for capital renovations to this building.
- Cultural Ed Fee is still not in place, tied to the IMLS issue.

How is State Ed responding to all of the cuts that have been put on the table and proposed?

Agency Response:

Jeff Matteson, Senior Deputy Commissioner of SED, attended this meeting to speak on the matter.

With regard to the Federal threats to the various programs they want to roll back – we have consistently had a common approach to that:

1. Get ourselves educated on what exactly they are saying.
 - What does the executive order actually say?
 - What does it actually have the power to do?

This approach of not overreacting but being deliberate and educating ourselves in the rule of law has been effective for us.

We have at least 5 lawsuits in the works. We've won 3 already and we finally had some of the education stabilization funding start to flow. So, we are starting to see action where they will follow judicial orders.

They are withholding allocations for some particular title funding. We are one of 24 states who engaged in litigation to release those funds. We were joined yesterday by 10 republican senators who wrote letters to the administration saying, "we allocated that funding, you need to send it out in the field." We are anticipating some rectification of that situation.

- Every year the allocation is published by July 1st
- They have until September 30th to actually expend those funds.
- Our project runs from September 1st to August 31st. More than 40 states have a bigger problem because their project year is July 1st to June 30th, so they have imminent issues with how they are pulling programs off (these are both red and blue states).

Once we have passed that, we have to start thinking about the next federal budget beginning October 1st. Since they need 60 votes in the senate; we feel they will end up being continual resolutions and not an actual budget. So, even though they propose certain things, the likelihood of the most extreme items occurring is relatively low.

- Although, that doesn't mean we won't have some things here or there that are under the control of the executive happen to us.

The service we are getting from the US Education Department is very poor; and that is primarily tied to the fact that they have half of the employees. You don't have someone to call; there is no one to offer support. So, trying to judge what things are due to delays from lack of personnel and what things are due to intent, is difficult.

Agency Response Continued...

We will have a consistent approach to these items and do our continued lobbying and litigation if necessary to make sure folks are following the law. Including when they make mainstream changes, there are certain processes and procedures the federal government has to follow according to their own laws.

Any time there has been this threat to personnel, SED has made the commitment to not threaten peoples' jobs. We get information to those people who may be affected, but not to the extent that they feel like something is imminent to happen to them in their position.

We have worked very closely with Fiscal and with HR about how we communicate things directly to those individuals who may be affected. We are keeping a very close eye on things that may come in the fall.

State Budget: Receipts are coming in very well as far as the revenues coming to the state; but they project a 750-million-dollar shortfall of federal money due to the Reconciliation Bill. We shouldn't have an immediate impact, but we are going to have challenges in the next legislative session (Spring 2026). We are going to have to work together to make sure we have a common message about the things that will affect the department.

- Cultural Ed is the most obvious as the legislature owns it and has to do something about its financial model.

Labor Follow Up:

Labor thanks Jeff for his time and expertise. His response has been very helpful to hear.

We are proud to be part of the coalition that is advocating against some of these, frankly illegal cuts.

As you also noted, there's the budget that starts October 1st and we know in that budget there are specific cuts and threats to:

- Adult Education
- Migrant Education
- English Language Learners
- Title 2 Professional Development
- Block Granting of IEEA Funds

What we at PEF do when we have specific threats is write to our congressional legislators, our state legislators and our international parent unions, AFT and SEIU. The messaging is more effective when it is focused on specific threats. These SWLM meetings don't occur frequently enough for us to have clear dialogue on what the specific threats are. We would like to meet with management in the Fall, when and if it becomes clear that we have specific threats we have to respond to as a union.

Agency Response:

Jeff agreed, saying he thinks that makes a lot of sense.

Action Items: *Labor to schedule a meeting in Fall of 2025 with Jeff Matteson, or an alternative SED State & Federal Legislative person, to discuss 2026 Budget and receive additional updates as appropriate.*

Travel Time/LATS

1. Overtime (OT)
2. Non-Eligible OT
3. SFS Access – What is the status of SFS access for OPD and BPSS? When can we expect it to be functioning?
4. Travel Card - What is the status of travel cards for BPSS and OPF?

Agency Response:

1. & 2. If folks are eligible for overtime, they should be receiving overtime. For staff who are ineligible for overtime, they have the entire pay period to make that schedule adjustment.
 - If there are any questions, certainly refer them to HR and we will reach out to their Director/Supervisor.
3. & 4. HR has nothing to do with SFS, you've got folks in OPD and BPSS with no access to SFS, it's not a surprise to me that it's taking a long time for reimbursement. Anne is happy to reach out to the SFS people and share those concerns, the same as travel cards.
 - If folks don't have access to the appropriate forms, bring that to HR attention, and we will reroute that.

All employees have to put their actual hours worked on LATS. Anne continued by stating, "and for the DOOs that are on this call, I would appreciate you reinforcing that with all of your hiring managers."

Labor Follow Up:

Our investigative staff there have had a lot of parking issues. We are getting all of our investigators' travel cards that should also ease the burden of reimbursement. We are in the process of setting up overtime for investigations – there is a huge number of staff being onboarded.

Agency Response:

Training has not been offered for travel times. If you're running into a roadblock with that, I recommend they take that course of action (offer to take the training once it is offered; but need travel cards right away). It may need to come from David Hamilton; but if they need it from HR, Anne will be happy to provide it.

Action Items: Lauren Newell needed to hop off of the call, Anne will reach out to him specifically regarding the overtime for OPD investigators and provide a response to Labor.

Management will reach out to SFS regarding the mentioned reimbursement concerns.

Labor Follow Up:

We have members who are not being compensated for additional hours working overtime and on the weekends. Some are still on probation and fear they will be reprimanded for the request. We have managers interpreting your communications incorrectly amplifying the confusion and concern.

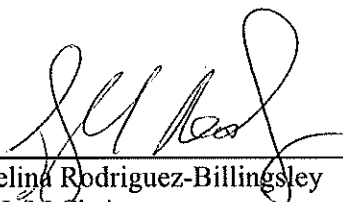
Agency Response:

If members are concerned to reach out due to their probationary terms, we need to know that. If folks are afraid to ask questions, that is not the work environment we want to sustain. This is a transaction, and people should not be afraid. If you're telling me bilingual, no problem – we can reach out to bilingual today. That's why we have these meetings, that's why we are partners.

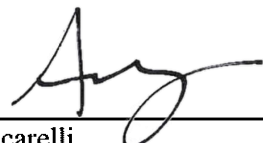
We can get you on our next DOM meeting; I want DOM to hear it in addition to our regional coordinators.

This concludes the July 17, 2025, SED Statewide Labor-Management Meeting.

The parties have reviewed the attached written minutes from the above meeting of the SED/PEF Agency Level Labor-Management Committee, and by the signatures affixed below, the minutes are hereby accepted.



Angelina Rodriguez-Billingsley Date
PEF L/M Chair 10/24/25



Anne Fiscarelli 10/28/2025
SED Management Chair Date