

**PEF/SED Statewide Labor-Management Meeting
May 27, 2021**

Draft Meeting Minutes

<u>PEF</u>	<u>Division Number</u>	<u>Management</u>
Angelina Rodriguez-Billingsley	Division #376	Anne Fiscarelli
Mohammad Chowdhury	Division #249	Annette Franchini
Ian Duckor	Division #194	Kevin King
		Christie Nunziato
	Division #206	Wendy Deforge
Vicky Stockton	Division #376	Marshall Savitt
Audrey Myers	Division #194	Benjamin Gifford
Ved Shravah	Division #215	Nikki Gregory
Stephani Shaw	Division #230	Jim Barron
Kimberly Kain	Division #194	William Harris
Steve Dombroski	Division #372	Ethan Rumsey
Carole Jarvie	Division #206	Sharon Cates-Williams
Gloria Broadbent	Division #376	
Janice Anderson-Small		
Wayne Spence, PEF		
President Sharon DeSilva, Esq., PEF Vice President		
Janice Treanor, PEF Field		
Rep Anthony Rios, PEF		
Field Rep Danielle Freeman, LM Asst.		
Viri Peterson, AFT		
Adriana O'Hagan, AFT		

Minutes

PEF

PEF is requesting that the LM minutes be posted to the SED website. It is understood that this was done in the past on the "At Work" site. PEF has asked that minutes be approved and published within one month after the date of the meeting. It is important to have a reasonably quick turnaround so members are up to date on information. PEF agrees to endeavor to provide the draft minutes to SED within two weeks after the meeting utilizing the "track changes" feature. PEF agrees to carefully review the minutes prior to sending them to management. Once the draft is finalized by both sides, all track changes will be removed and both parties will agree upon the final version prior to posting.

Management

Management doesn't recall the minutes being posted in the past, but has agreed to post them going forward on the SED website. Once they are signed off by both sides, Management will ensure it is posted on the website and believes it can do so within two business days. Management is agreeable to having the minutes agreed and approved within a month before the subsequent meeting, but noted it will be contingent upon PEF getting the draft minutes to SED for review as timely as possible. Management agrees to try their best to stay to the one month time frame. Management is agreeable to utilize track changes but believes that the changes must be minimal for that to be a successful tool. Management just needs to ensure that the final form is sent back to SED so that management can convert the document to a PDF so that signatures will be secure.

Out of Title Work

PEF

PEF received an anonymous letter in the mail from employees from the Child Nutrition office that are concerned about the Food Program Evaluation Specialist II titles. Is management familiar with this issue? Has SED gone to the Division of Budget about whether these positions will be upgraded? These members received notification back on July 13, 2017 that they were going to be upgraded, and according to the letter, that didn't happen. Did management receive an out of title grievance on this? There were concerns about 23s taking on supervisory responsibilities in addition to their workload. If PEF is able to locate the identity of the anonymous complainants, PEF will speak to them and will reach out to management to discuss further.

Management

Management has not received an out of title grievance on this from any members. Approximately two to three years ago, Management worked with the Division of Budget (DOB) and the Department of Civil Service (CS) to engage in a title restructuring of the Child Nutrition title series. This resulted in upgrades for members that were at salary grade 14 to be reallocated to salary grade 18. In management's opinion; they have been more than made whole.

In 2017 a massive title structure change took place in the Office of Child Nutrition. It affected close to 50 positions. Prior to the title structure change, the previous titles were School Food Program Specialist (SFPS) 1, 2, 3 and 4 and there was a Coordinator of School Food Programs at the M-3 level. The 14s were title structure changed to Food Programs Evaluation Specialists (FPES) 1 and they became 18s. Anyone who was in a SFPS 2 title, which had been an I 8, was title structure changed to FPES 1s and they remained 18s. Anyone in SFPS 3 became FPES 2 and they retained their grade level of 23. Anyone at a SFPS 4 who had been a 25, was title structure changed to a FPES 3 to a grade 27. Coordinator of school food programs was title structure changed to Director, Child Food Programs at M-4.

At the time, Paula (Doyle) was the Director. She has retired and Kimberly Vumbaco is the Director. 32 positions were upgraded from a grade 14 to a grade 18. Management recognized that the salary grade 18 staff was now supervising people who had previously been their supervisees at a grade 14. In order to address that issue, management engaged in significant classification work to increase the number of available positions at the grade 23 level. Management was successful in obtaining new positions that provided promotional opportunities at the grade 23 level.

Finally, many of the 14 and 18 staff members were provisional. SED engaged in open-competitive/non- competitive exams pursuant to Section 4.2(b) of the Civil Service Law and was able to transition the staff that passed the exams (the bulk of them) into permanent items. The staff did not have to pay any exam fees.

This is the first time management is hearing of concerns about the results of the title structure change. The positions in the Office of Child Nutrition have been getting filled in the regular course of business.

Regarding the supervisory issue raised by Grade 23s, management is not aware of that. Management noted it is appropriate for a grade 23 to have supervisory duties and this is contained in their job standards. There may be one person who has fewer direct reports than the others, because her responsibility is training within the entire office and onboarding and getting people up to speed on USDA guidelines and getting them on the road. That office has been a health and safety high priority because the kids need to be fed even when the schools are closed. That is a big initiative in that office and we respect and support them in all of their staffing requests.

Management has not received an out of title grievance.

The office is and has been listed as High Priority during COVID to ensure children are getting fed when school is closed. The local schools offer breakfast and lunch over the summer, SED continues to support the initiative.

Return to Work Planning & COVID Safety Concerns

PEF

PEF advised the CDC guidelines have changed for fully vaccinated individuals; and the anxiety levels for employees have grown in regards to meeting with the public. Is there any guidance from the Governor's office on how to determine who has received their vaccinations?

PEF advised ACCES-VR office(s) are re-opening to the public on August 2, 2021. The members

have requested management work closely with PEF to open safely. Where is SED in regards to guidance for employees? What are the percentages of employees allowed to return to the office? Can PEF schedule a walkthrough prior to August?

PEF requested mold testing at the Queens facility back in February and would like a response or status from management.

Management

SED has not received return to work plan or any guidance from GOER on how to identify individuals who have been fully vaccinated.

Management is sensitive to the employees needs and will proceed safely by following the guidelines that are in place and received from the Governor's Office of Employee Relations (GOER), Department of Health (DOH), and the Center for Disease Control and Prevention (CDC). The current masking and social distancing protocols will remain in place. SED sent an announcement to all employees a week ago advising the continued protocols, and it will be resent again.

SED's percentages of employees in the office follow the governor's guidelines for maintaining social distancing. SED defers to each individual office to remain in compliance with the social distancing guidelines including staff working an Alternative Work Schedule (AWS) which may include working on Saturdays. Management advised when staff are in their cubicles they can unmask.

Management will work with PEF, CSEA and NYSCOPBA to schedule a walk through and requests feedback be given to management.

Management will follow-up in regards to mold testing at the Queens facility.

Telecommuting

PEF

PEF requests clarification regarding employees in telecommuting status vs. non telecommuting status returning to the office. In the last meeting, there was an email sent out from Human Resources (HR) which encouraged management to use the "pilot" telecommuting guidance to the best of their ability to determine staffing needs.

Example: There was staff advised ahead of time prior to a snow storm, not to submit a request for the time off. HR sent out an email advising staff they may be able to telecommute, however some staff were advised not to submit a time off request prior to the snowstorm. PEF stated they are not requesting the office(s) close; PEF wants clarification on telecommuting during a snow storm?

PEF stated staff was advised they must submit a Work Plan, why are PEF members asked to describe what type of work they are doing to get approval to telecommute?

Management

SED is awaiting guidance from GOER regarding the pilot program currently extended until July 2,

2021, which makes it difficult to plan. The success of the tele-work program is still being evaluated. Management anticipates the telecommuting guidelines will be less restrictive in August. SED will support telecommuting going forward; they are waiting on further guidance from GOER.

If the nature of the job duties cannot be completed at home, (scanning, filing or copying), the employee must report to the office. Regarding closures for inclement weather, SED does not have the authority to close the office; the directive would come from GOER. In the case of a State of Emergency, state offices are not deemed closed. The office must remain open until SED is given the guidance from GOER to close offices. Oftentimes the decision to close the office comes after employees have reported to work and then the employees are sent home. All employees are obligated to report to the worksite and complete their workday unless advised otherwise.

The telecommuting agreement allows for immediate recall based on operational needs and coverage.

The Work Plan form should be completed by both the employee and their immediate supervisor to determine what work can be done from home. The Telecommuting form is a self evaluation to be completed by the employee. We have maintained that GOER will provide guidance on telecommuting.

Office Morale

PEF

PEF is requesting information on why members are asked to request time off in advance pending approval based on out of compliance workloads? How can employees determine compliance issues when currently there are over 400 cases out of compliance? PEF advised members are intimidated by management and refuse to express their concerns at meeting for fear of retaliation.

Management

The operational needs of the (department), geographical regions, and the nature of work must be considered when approving time off requests. Management requests PEF reach out to members and provide a list of specifics and document the members' concerns to submit to management to determine what needs to be corrected and communicated to the members. Management is not requesting names of individuals; the list should be submitted to Jim Barron to follow-up with the staff.

Acknowledgement of Union Leaders/Lack of Respect of Union Leaders Local Labor Management Meetings

PEF

PEF representatives have sent documents and emails to SED with no response to date. It has been months and still no acknowledgment of receipt. Some issues were referred to Statewide Labor Management (SW LM) and Health & Safety (HS). PEF would like some issues raised by

members to be addressed locally prior to the SW LM which meets every 3months to 6months. Has the Memorandum of Agreement (MOA) been submitted to PEF? PEF would like to have the MOA signed within the next week.

PEF wanted to know why the Brooklyn office was the only office that has a work log.

Management

Management requested that PEF send all copies and emails again and believes that all inquiries have been previously responded to/addressed. Management stated they have always answered members 'questions and concerns in a timely manner and do not wait until a SW LM meeting. ACCES-VR is having local meetings on a regular basis. Management requests that PEF provide specific concerns that are not being addressed and they will follow up.

The Memorandum of Agreement (MOA) was given to PEF which addressed the holding of a local Labor Management (LM) meeting as well as Statewide Labor Management meetings. The final draft will be forwarded to PEP.

Management did not provide a response as to why the Brooklyn office is the only office with a work log.

Local Management Leadership Training

PEF

PEF advised some ACCES-VR offices are running smoothly; however, in other offices there are complaints of intimidation by the supervisor. What does management plan on doing to address this issue?

Management

There will be a Leadership in Supervision training offered by OHRM inthe fall of 2021. There is a slide presentation from a previous Leadership in Supervision Training available to all staff on SED's At-Work Site.

Training for New VRCA & VRC for ACCES-VR programs

PEF

PEF requests a "standard" training practice. There is no formal training for VRCA's or VRC's. The current mode of training includes shared templates and shadowing. The performance evaluations are unfair when individuals are not properly trained. Could the State Learning Management System (SLMS) be utilized for training?

PEF stated for the record the question was asked back in 2019.

Management

Management advised the SLMS website is for mandatory training for all state employees and it also provides a variety of other training opportunities, However, SLMS training is not meant to provide subject matter expertise.

Management _also noted that CAMS redesign is a multi-year effort and appropriate staff training has been identified as a priority for management within the ACCES area.

Regardless, management acknowledges that there is a need to re-tool training for new ACCES employees. ACCES management is looking into some suggestions, such as mapping out a new ACCES employee's first day, first week, first month and getting through an entire year on the job. Management is asking current employees for suggestions on training.

Promotional Exams/Use of Eligible Lists

PEF

PEF advised that management appears to use the "Rule of 3" to circumvent a member's ability to compete for a new position.

PEF would like to keep the below statement

Due to retirements and individuals leaving the state workforce, there is a gap in filling positions and training replacements. PEF would like to work with new management to gain further understanding and solutions to workload issues impacted by the lack of positions being filled. In addition, the limited career opportunities and early retirement proposals being made only increases the vacant positions. Who will provide services and fill duties? As a result, members are assuming more responsibilities and in some cases are working out of title.

Management

Management appreciates the feedback; however, all appointments are made in accordance with Civil Service Rules Additionally, all appointments are subject to the review and approval of the Department of Civil service and the Office of the State Comptroller.

Need for Staff Interpreter at NYSSD

PEF

PEF was advised at the last meeting that Management was supportive of having interpreter services. The on call service may have a 72 hour turn around dependent upon availability. Can SED explore hiring an interpreter full time?

Management

Management supports having interpreter services.

Certification of Education Staff

PEF

PEF expressed a concern that NYSED designated several teachers as being out of compliance and are required to obtain certifications to teach the deaf,

Management

The individual(s) must contact the Office of Teaching Initiatives (OTI). The teachers have been provided with a reasonable time to comply with the requirements for certification. Management has not received a plan from any staff member that satisfies that an individual can teach a specific class. The deadline is June 30th to submit a plan to secure certification. Management requests that effected teachers forward a plan to OTI as required.

Management will review the Conditions of Employment section of the postings for the schools.

Substitute Teachers

PEF (Instructor Sub)

PEP expressed concern about the pay rate of substitute teachers. Can the salary be adjusted? PEF would like a recommendation to take back to the school in regards to an individual working full time as a substitute.

Management

Management advised that it would review whether long term substitutes could be paid at a higher rate. If someone is working full time as a substitute SED will review their resume and credentials to offer a full time position pending the Memo of Understanding (MOU) and the MOA agreements. Progress has been made for the Schools for the Deaf & Blind, as the pay rates have been adjusted upward.

Staff Departures

PEF

PEP expressed concerns about staff departures.

Management

Management thanks PEF for the feedback and noted that Deputy Commissioner, Dr. Kim Wilkins along with Assistant Commissioner, Chris Suriano will have an increased presence at the schools.

Contracting Out

PEF

PEF noted that a deaf applicant applied for a position and was not selected.

Management

Filling vacancies at both state schools (including PEF positions) are always top priority due to the health and safety components of these positions. Management's position on this issue has not changed.

SED defers to the state schools in reference to contracting out. SED relies on the program areas to vet and follow up with applicants as appropriate. All SED employees are mandated to take Implicit Bias training.

President Spence

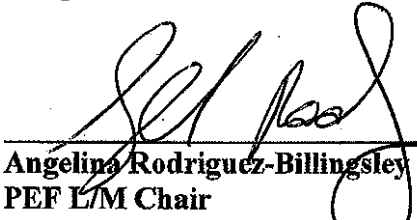
There was a membership meeting with both schools last night. Many members are considering leaving and are afraid to speak out. Members have reported to the Commissioner that they are experiencing fear and intimidation. PEF members are targeted at the School of the Deaf because of their disability. They are in a protected class.

PEF has hired a consultant to address the following issues of discrimination against people in protected classes due to perceived disability, their status as a person of color, and their ethnicities.


The consultant will actively explore the above issues as it relates to PEF members.

A letter was sent to Angela Billingsley Rodriguez with concerns regarding office morale in ACCES-VR. President Spence would like to share the letter and contact information if permission is granted from the prior employee.

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
PEF L/M Chair

9/9/21
Date


Kevin King
Management Chair

8/11/21
Date