

**PEF/SED Statewide Labor-Management Meeting  
December 06, 2021**

**Meeting Minutes**

<b>PEF</b>	<b>Division Number</b>	<b>Management</b>
Angelina Rodriguez-Billingsley	Division #376	Anne Fiscarelli
Audrey Meyers	Division #376	Christie Nunziato
Ian Duckor	Division#194	Wendy DeForge
Ved Shrivah	Division#194	Marshall Savitt
Kimberly Kain	Division#230	Benjamin Gifford
Vivian Falto	Division#349	Nikki Gregory
Lucinda Task	Division#372	William Baker
Janice Anderson-Small	Division#376	William Harris
Sean Dobbin	Division#194	Nakia Walton
Beth Karalek	Division 194	Mike Paonessa
PEF Field Rep. Janice Treanor		Jim Barron
PEF VP Sharon DeSilva		Brandon Gayzur
PEF LM Ass't Danielle Freeman		Jennifer Crandell
		Christopher Suriano

**EOL FORM**

SED/PEF recommended a shortened form, next steps? PEF would like to meet with management to resolve EOL form. PEF advised Kevin King and Annette Franchini are no longer here however there is a draft of the shortened EOL form which PEF will forward to management.

**Management**

*There is no update currently. An Improper Practice has been filed pertaining to the EOL form. Management request that PEF submit ideas for shortening the EOL form and is open for discussion. The EOL form can be given to Benjamin Gifford, Wendy and Will. Management request a copy of the draft EOL form.*

**Assigned Field Representatives for SED**

PEF will send a list of updated Field Representatives to management. PEF wants to have local meetings and information on how to proceed? The contract states addressing immediate needs should be met at the local meetings and functioning per Article 24. Article 15 is for staff development. PEF advised when interrogations are being conducted within SED, the PEF Field Representatives are not informed, scheduling issues have created problems and members are going to interrogations without representation.

**Example:** There was an interrogation scheduled in the Brooklyn office PEF was not notified in advance which allowed 2 days for the PEF Field Representative for preparation.

### **PEF**

How is the Labor Management going to operate per Article 24 and engage in staff development under Article 15?

PEF opportunity to see the structure of the LM functions within the new contract per Article 24. We have 9 months from the ratification of the contract due date to have in place or engage in staff development per Article 15. The sooner it gets completed would be a benefit to everyone. Locally PEF would like to have conversations with management to resolve concerns before we meet in a larger forum. Discussions prior to the contract and then customize to the current contract, which would provide decision making at the lowest level possible. PEF considers the needs of every steward contemplating meeting with the local Director/program area managers within the privacy of the program.

### **Management**

*The listing of PEF Field Representatives will be helpful regarding interrogations. The PEF member can determine if they would like PEF representation during an interrogation. A letter is sent to the PEF member listing the name of PEF Field Representative it is the member's responsibility to contact PEF. Management has reached out to PEF in the past depending on the situation; interrogations have been rescheduled when a member does not have representation to provide balance. Management must balance the employees right to privacy with the unions request to be notified in advance and this is a difficult balance. For example, some members have chosen private representation during interrogations. The issue surrounding local meetings has not been resolved management cannot provide a timeframe. The MOA/MOU is in development and management is still getting acclimated to where LM stands, once up to speed with the process an update can be provided.*

**Action Item:** PEF will send an email to management on the status of LM local meetings.

### **SEQA/P12**

Alternative Work Schedule (AWS) Concerns

PEF has concerns with implementing adjusted time for non-compensatory eligible employees. AWS not aligned with the PEF contract. PEF is requesting AWS be reinstated. PEF is requesting guidance for implementing adjusted time for non-compensatory employees?

### **PEF**

In the New York City office(s) the history of the AWS implementation is not in line with the prior or current PEF contract. There has been a grievance filed we and we would like to make this body aware things are not done properly. The benefits of AWS are the following: telecommuting 100% would cut office density and there should be further discussions on when members would return to the office. Staff would like AWS reinstated it does not have a negative effect on the workflow. The conversations should be structured, and all sides discussed at the LM

meetings, one person should not make the decisions for all. AWS was offered unilaterally in 2015 and in 2019 AWS was offered again with the exclusion of grades 26 and above which creates inequality. It is important to understand the context and highlight outside of the contract. Some staff that applied for AWS during the pandemic were denied. PEF would like to have further conversation on the AWS denials.

### **Management**

*Alternative Work Schedules (AWS) enhanced options were allowed during the pandemic, staff were allowed to change their schedules and offered AWS however normal operations are in place and some scheduling has been pulled back based on operational needs of the agency. The previous administration had phased out the use of AWS, all staff had the opportunity to request AWS during the pandemic everyone that requested AWS were approved. SED acknowledges that we are still in the midst of a pandemic and will take appropriate precautions. Staff who are in the grade 26 and above are not overtime eligible and grade 22's have non-compensatory eligibility; this shines a light on OT eligibility. Operational need to support operational workload and offer flexibility depending on the workload and location may not always create a benefit for SED. Management looks forward to further discussions and suggestions from PEF. Management is addressing ways to implement fairness and recognizing professional effort across the board. It often comes back to operational needs; management is open to PEF recommendations.*

### **Supervisor/Manager Training**

PEF advised there should be consistency with all supervisors for following HR guidelines. VP DeSilva advised there should be procedural direction on how members deal with treatment from supervisors. Could this be addressed prior to this meeting?

**Action Item:** This issue has been on prior agendas and will remain until resolved.

### **Management**

*The courses SED would like to offer are Performance Management and Navigating the Civil Service systems to identify hot points of development, Conflict Resolution-having different conversations and the escalation process, building core courses for a Supervisory Certificate such as basic writing, advanced writing skills, and communication skills. There's currently a Leadership training for 2 1/2 days which is optional. Supervision is a broad topic with many challenges, one of the goals is to develop supervision for effectiveness by providing the supervisors with a survey to determine their needs for training. During the evaluation process there's an opportunity for supervisor's and employees to exchange information to provide feedback. Allocations for resources is limited at this time.*

**Action Item:** Supervisory Training

### **OCE/Museum**

PEF advised the Security guards are not enforcing mask wearing, for the public or employees, if they do not enforce masks wearing, who should do what? Can management send out written correspondence in regards to wearing masks?

### **Management**

*The security guards at the Cultural Education Library are enforcing the mask mandates and State Police may be contacted if a visitor/individual is not compliant, though the police will not arrest a person for non-compliance. The security guards at the entrance of the State Education building were told they could enforce the rules if individuals are not masked. People entering the building are to be reminded to wear the mask; if they do not comply it is suggested to file a complaint with Human Resources (HR). The complaint that was filed has been addressed. Management inquired with the state police as to whether charges can be brought against individuals entering the building without a mask and their refusal to adhere to the policy and having the individual(s) removed from the building, management is waiting for a response. The policies and rules/laws of the State of New York will be enforced. If there are issues, please notify management with as much detail as possible. The staffs' patience is appreciated due to contract tracing and mask mandates. In terms of the mask's mandates HR is prioritizing issues as needed. The broader perspective is there are many concerns however the agency policy is all staff must wear a mask. Management is encouraging staff when they see someone without a mask and are comfortable mentioning it to the individual to wear their mask if not refer to HR. Management advised the 7<sup>th</sup> floor is short staffed and management will enforce the mask guidelines. The guards are reminded at role call the rules pertaining to the masks mandate.*

### **ACCESS VR**

PEF stated once vacation requests have been submitted what is the expected wait time for a response? CBA agreement for timeframe for vacation requests. Staff is required to accept additional workloads and many staff are taking medical leave due to stress. Counselors are swamped with additional workloads what can be done to help them with all the work and being short staff, with short staff this must be addressed.

Pilot Telecommuting started August 2021 staff are waiting for a response after submitting application. PEF advised contractually supervisors and managers are to respond to vacation requests within 5 days.

### **Management**

*Each office and unit develop their own procedures for protocol for time off. Notifications are put out in advance to get the feedback as soon as possible based on operational needs. Supervisors should respond and contractually they should respond to requests within 5 days management will reach out to the supervisors regarding responding to requests.*

*Management stated staffing is problematic and are working with Civil Service. There are some issues that could be addressed in the short term; management is having trouble filling the VRC's.*

*There are 160 positions filled since April, clerical staff, and security guards except for the VRC's which is an institutional issue awaiting resolution. Staff has been encouraged to give ideas on how to do the work better there should be proper management of staff and everyone should be doing their part. In terms of the VRC's the goal of HR is offered to take the load from Civil Service and score the exams to be more efficient. Management is looking at the minimum qualifications to ensure they meet the needs of the agency by looking to see what is filled at each office, while we have the budget freeze suspension in place until March 31<sup>st</sup>. We have been looking to fill to 100% in the short term there are opportunities when management can make a temporary approval based on the individual taking the exam when it is offered. There are staffing issues in terms of value and COVID testing.*

*SED has 500 recruitments and onboarding to set up a meeting with Civil Service. to score the exams in house SED is familiar with the scoring process.*

*Caseloads are down at this time SED can resolve the VRC issue. At the present time, there are 150 caseloads, and the checklist are utilized to ensure everything is completed on a case before closing. RSA provides the funding and SED does not want to be audited therefore checklist are appropriate to close out cases. There is a Civil Service restriction to moving staff around in some circumstances, staff does move but can be facilitated by the staff requesting to move or applying to vacancies. SED does not have the flexibility to move staff. Management advised some offices have more oversight than others and SED is working to ensure consistency exists within the offices.*

*Management is not aware of anyone submitting a telecommuting application and has not received a response. Management request that PEF supply names.*

### **SED Telecommuting Agreement**

What are the next steps/ clear expectations from supervisors/ office standards should be the same when telecommuting?

PEF stated working from home less distractions and more productivity. PEF requesting more telecommuting days. Meeting dates and times?

Proposals for changes to current pilot telecommuting plan? Angelina will send out a plan/survey from members to management.

PEF advised the temporary policy does end on December 31<sup>st</sup> however if nothing is established the December policy can be extended until there is a scheduled discussion with PEF and management. Pursuant to the ratification of the contract the discussion should be a meet and confer meeting to discuss a policy. PEF needs a date/time to meet and confer to discuss suggestions for telecommuting. (MOA page 197)

### **PEF**

It is imperative to provide service and have availability after hours and Saturdays. The productivity is enhanced when working remotely. There's added flexibility when we have inclement weather, transportation needs, charge to accruals and the ability to telework safely from home. Supervisors should provide clear expectations for in office work or home with scheduled breaks and lunches.

### **Example**

ACCESS VR employee

We have an activities log, much more work is accomplished with less distractions, interruptions when telecommuting. We are able to produce IPE's and clerical work (261caseload) when working from home. We would like this to be taken into consideration for telecommuting.

### **Management**

*The current Telecommuting Pilot expires December 31<sup>st</sup>, SED will evaluate the telecommuting policy with PEF's feedback on what areas and adjustments are needed. SED stated there will be no diminishment of services and maintaining the same level of support, responsiveness and professional just as the same as being in the office. Ideally management working to provide a program for telecommuting and will use what is currently out there and have a resolution to submit to staff. The telecommuting program may differ from the current program, management request PEF have input for the telecommuting policy by December 31, 2021. The December 31<sup>st</sup> date is the ideal scenario however there are contract timeframes which is less applicable to other staff such as CSEA staff, from their perspective the telecommuting ends on December 31<sup>st</sup>.*

*\*\*The CDC guidelines on the SED website\*\* Individuals have requested Reasonable Accommodations (RA) to continue telecommuting.*

*HR's evaluation and effectiveness are determined at each program level for changes to be implemented.*

*Management will meet and confer with PEF.*

### **PEF VP, Sharon DeSilva**

The temporary Telecommuting Pilot program ends December 31<sup>st</sup> however if a policy has not been established the December policy can be extended until such time a final policy has been provided. This discussion will not happen at LM it will be a meet and confer pursuant to the terms of ratification of PEF contract on July 27<sup>th</sup>. PEF and management will have a separate meeting to discuss establishment of a final policy. It was stated CSEA, and management had a meeting however PEF is concerned with PEF members and looks forward to discussing concerns with management. Timeframe for the meet and confer?

**EOL Form-** This is an outstanding issue for quite some time it would be great if management and PEF could meet as a team to finalize the form.

**AWS-** Based on employees concern(s) whenever a benefit is provided to employees, not just PEF employees management should provide written clarification and notice when the benefit is no longer given, or it is available.

**Supervisor Training-** I have participated in several LM meetings and members have discussed vehemently the treatment from management. Management must provide procedural directions and protocols on how members should respond instead of discussing these issues at LM. Training and immediate concerns should be addressed.

**Mask Mandate-** Management should send an email to the proper staff to enforce masks mandate, PEF members should not be enforcing the mask mandate it could cause a Health & Safety issue.

**Vacation Requests**-Per the PEF contract page 40. Section 12.70 management has 5 days to respond to request(s). Management has the opportunity read the language in the PEF CBA.

**Hiring**- Baby boomers and retirements are happening throughout the state not just SED. It is nice to know SED is trying to fill the vacant positions.

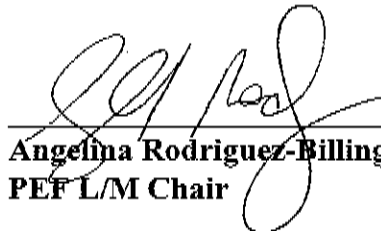
**Establish Local LM** -The local LM must be established 60d ays after ratification of the contract. GOER has extended to January 23<sup>rd</sup>. This can be discussed at the meet and confer meeting.


### **Next Meeting**

TBD/PEF will send a few dates to management (Meet & Confer telecommuting)

Action Item: PEF will send a list of PEF Field Representatives to management

**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.**

 2/28/2022  
\_\_\_\_\_  
Angelina Rodriguez-Billingsley      Date  
PEF L/M Chair

 2/28/2022  
\_\_\_\_\_  
Benjamin Gifford      Date  
Management Chair