

OTDA PEF Labor Management Meeting

Date: April 5, 2023

Location: PEF Headquarters, 1168-70 Troy Schenectady Road, Latham, NY 12110

Time: 9:00 a.m. to 12:00 p.m.

Introductions

Agenda Items

1. Agenda Item – Schedules and Hearing Officers

New Business Old Business

Description: While Management continues to communicate with Labor on the Office of Administrative Hearing issues, this has failed to produce any improvement in working conditions for the State Hearing Officers. The “temporary” 3/2 hearings since November 2020, has actually increased the backlog of unscheduled cases and is compounded by the massive influx of new hearings. Adding additional cases to the daily hearing calendars creates a frustrating situation for the Appellants by not allowing them ample time to speak during their hearings. Similarly, Administrative Law Judges' have increased frustration in trying to hold hearings quickly and accurately. Once again, when do you expect the trial 3/2 calendar to end?

Response: Committee agrees to table the item.

Action Item: Table the item until the Commissioner is present.

2. Agenda Item – Reasonable Accommodations for Sit/Stand Desks

New Business Old Business

Description: Labor feels that we have received inconsistent information on this item. Since our last meeting, several DDD PEF staff have asked for sit/stand desks and were told they must go through the reasonable accommodation (RA) process. Again, we were told that anyone at OTDA may request a sit/stand desk without an ergonomic assessment or an RA.

Please explain the process for all OTDA employees to get a sit/stand desk.

Response: Prior to the Labor Management meeting, DDD sent an email on March 30, 2023, to all staff letting them know Reasonable Accommodations are no longer required for sit/stand desks within DDD. Requests for this resource may be submitted to local administrative coordinators.

Action Item: OTDA will order enough desks to satisfy the current need and going forward will order in batches based on the storage capacity. DDD management will provide the backlog for all four PC's. DDD Management will also provide the contact information for follow up for DDD staff.

3. Agenda Item – Consistency of Information

New Business Old Business

Description: The current requirement is Labor must follow protocol and go through their supervisors to get answers. Management provides information from the top down. Both ways of communicating can be inefficient depending on the subordinate/supervisor/manager requests and requirements.

A recent example, the Governor publicly declared a State of Emergency the night before the storm urging people to stay off the streets for personal safety, yet the Agency didn't give notification to close until after opening. When members go to their supervisor, the supervisor may choose to answer the question or go to their boss. If the supervisor feels the question is unimportant, they may not give a response to the member. When upper Management is told to disseminate information, they do so in their own way. Some may change the message so that when members hear it, there may be a difference from the original directive.

We would like to eliminate any confusion from this to keep things consistent. One example is snow days. Another is the telecommuting policy. NY Alert. Labor suggests we fix the lack of communication from Management down and give members an anonymous platform to ask questions. (e.g. 518-476-SNOW)

Response: Declarations of State emergencies and office closures are two distinct decisions neither of which is at the agency discretion. Upon notification of office closure from OER, OTDA immediately sends New York alerts to effected staff. Additionally, the information is posted on the agency internet site and emergency telephone line.

With regards to communication in general, OTDA sends all staff notices when applicable. Employees are encouraged to reach out to their supervisor with questions and elevate as needed.

Action Item: OTDA will send an all staff notice regarding employee option to secure VPN access for those who do not currently telecommute to be used in the event of an emergency. As the next winter season approaches OTDA will also send out a notice to all staff regarding telecommuting discretion allowed by the agency policy. Instructions on how to update contact information for NY alert will also be provided.

4. Agenda Item – Fair Hearings – Provisional Employees

New Business Old Business

Description: Fair Hearings has a significant number of provisional employees who are stuck. There is no test scheduled to make them permanent.

Do we have a date for the 4.2b exam?

Also, when will the promotional exams be scheduled for Fair Hearing Specialist 2, 3 and 4?

Note: A similar situation is happening with Disability Analyst 2's in DDD.

Response: Management is continuing to push Civil Service to hold 4.2b examinations for the provisional Fair Hearing Specialist 1 and Disability Analyst 2's as soon as possible. Promotional exams will not be scheduled until current provisional staff in Fair Hearing specialist 1's have an opportunity to be made permanent by way of examination.

Action Item:

5. Agenda Item – PEF Members Feel They Are Being Required to Do More Work with Fewer Resources

New Business Old Business

Description: Our members feel they are being required to do more work with fewer resources.

How many full-time employees (FTE's) are currently working for OTDA?

What is the target currently? (In 2013, it was 1890)

Have we been able to fill all open positions?

Which titles is OTDA having difficulty hiring and retaining staff in?

It appears like we have lost a lot of knowledge. What type of succession planning is OTDA working on currently?

Response: OTDA current FTE 1,857.

OTDA current target is 1,922.

No. With the hiring freeze waiver process lifted, agencies are competing against each other to fill vacancies. In addition, the overall increase in demands to fill positions has put a strain on Civil Service to maintain viable eligible lists. Competition with private sector is also impacting the ability to fill positions.

Some examples of difficult to fill titles are Hearing Officers, Fair Hearing specialist 1's, Senior Accountants, and entry level Clerical positions.

Human Resources staff meets annually with OTDA program areas to address examination needs. As part of the meetings, program areas are provided succession planning reports which project retirement eligibility. Additionally, human resources staff is constantly stressing knowledge transfer, cross training, and documentation of procedures as part of succession planning, Program areas may also pursue temporary shadow jobs for key management positions to assist in a smooth transition when staff retire.

Action Item:

Informational Items/ Accomplishments

- Minutes from the Statewide DDD Labor/Management meeting held on March 1, 2023, were not finalized by the time this agenda was submitted.
- Management would like to acknowledge Pam August as the New OTDA Statewide PEF Chairperson.
- Management would like to acknowledge DDD has renewed Statewide Labor Management meetings.
- Human Resources would like to highlight the following steps OTDA has taken to address recruitment challenges.
 - Secured approval for an increased hiring rate for Fair Hearings Specialist 1's.
 - Formally requested the reallocation of the Fair Hearing Specialist 1 to grade 18.
 - Participation in recent Job Fairs with the next one being the Dr. King Job Fair on April 6th. Applicants for certain positions will be interviewed on the spot to expedite the recruitment process.
 - Successful completion of 4.2b examinations for 27 provisional Disability Analyst 2's. All who took the examination passed and were made permanent.
 - Continuing to advocate for 4.2b examinations for remaining provisional Disability Analyst 2's and Fair Hearing Specialist 1's.
 - Advocating for inclusion of Disability Analyst 2, Hearing Officer, and FHS1 in the State Non-Competitive HELP Program.
 - Targeted geographic recruitment for Hearing Officers and reemployment of several retired Hearing Officers, Fair Hearing Specialist 1 and 2's.

Next Meeting/Date & Place

The next OTDA PEF Labor/Management Meeting will be held at 40 North Pearl Street, Albany, NY on July 12, 2023.

The following individuals were present at the OTDA PEF Labor/Management Meeting held on April 5, 2023:

Labor

Chukwuduziem Ajoku
Carl Anderson
Pam August
Sharon DeSilva
Danielle Freeman
Germaine Greco
Dianne Herrmann
Jill Poeller
Martin Robinson
Scott Staub
Ryan Stoliker

Management

Donnovan Beckford
Barbara Guinn
Mark Longtoe
Jim Ryan

Eric Schwenzfeier
Sam Spitzberg
Jared Tallman
Kenneth Wells-Crannell

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