

**STATEWIDE PEF – DOL Labor Management**  
**March 22, 2023**  
**10:00 a.m. via Microsoft Teams**  
**Minutes**

PEF	MANAGEMENT
Bill Clingersmith - acting co-chair	Mark Cutturini - Director ERO
Cathy Okenica - PEF	Suzanne Piccirillo - Asst. Director ERO
Robert Wright - PEF Staff	Jeanette Lazelle - Dep. Commissioner WP
Kevin Jones - PEF	Jennifer Williamson - Director of Personnel
	Karen Ronca - Director Finance/Admin
	Lars Thompson - Assoc. Commissioner UI
	Leighann Brown - Exec. Secretary UIAB
	Patty Cahill - Admin Asst ERO

**1. Welcome/Introductions**

**2. Minutes from 12/7/22 meeting approved to be posted to Intranet**

**3. Budget**

**A. Federal - see *attachment #1***

Federal budget for the current year expires on 9/30/23. Pandemic funding has expired and there will be a decrease in UI staffing, to return to a supportable staffing level. The decrease will occur through natural attrition. Same level of staffing as prior year for all divisions other than UI.

**B. State - see *attachment #1***

The delay in approving the state budget will not affect DOL and when passed, DOL will receive the requested funds. DOL will be able to support the same number of staff as in the current year. DOB imposes a cash ceiling, which is lower than our appropriation amount, and the agency cannot exceed that amount.

State hiring freeze lifted through 3/31/23, unsure if it will be extended.

**C. UI Trust Fund Status - see *attachment #1***

8-billion-dollar loan status with interest due in September 2023.

**D. Monthly Position Allocation vs. Spending by Division, including if applicable: - see *attachment # 2***

- 1) Change in FTEs  
Down 38 positions due to attrition.
- 2) Planned fills and promotions

**E. Current Staffing by Division - see attachment 3E**

**1) Count of employees by division permanent/hourly (in separate columns) with current units/locations.**

UI staffing decreased by 51 positions, and DEWS increased by 21.

**2) Number of hourly LSRs and Employment Counselors vs. number of permanent LSRs and Employment Counselors**

**3) Count of hourly project coordinators, with current units/locations**

There has been an increase in Project Coordinator positions, which are temporary positions. 20 Project Coordinators being hired in DEWS for the Summer Teacher Ambassador program, for 6 weeks.

Personnel recently issued 9000 canvass letters. The goal is to retain the eligible, reachable hourly employees as permanent. Jennifer Williamson will provide ERO with the results showing how many hourly employees were able to be placed off the list as permanent.

Many Project Coordinator positions are not eligible for transfer to a permanent position. Staff should reach out to Personnel for any assistance with questions regarding list inclusion and eligibility.

**F. Excel Spreadsheet showing all current PS&T members at DOL - see attachment #4**

**G. Excel Spreadsheet showing current listing of hourly PS&T members at DOL - see attachment # 5**

**H. List of lease expiration dates - see attachment # 6**

**1) Request update on moves in NYC**

- All moves will be complete by COB3/23/23
- 9 Bond Street, will be returned to the landlord on 3/31/23

**2) Update on Buffalo-Main Street and Rochester – Waring Road.**

- 295 Main Street, Buffalo- City of Buffalo has issued the building permits so work can begin. DOL is anticipating occupancy in late June/early July.
- 276 Waring Road, Rochester- Dol is working to extend the current lease at Waring Road (expires 12/1/23) as significant progress has not been made on an agreement for a new space. Working with MCC and Rochester Works for that new space but may take up to 2 years to finalize plans and construction.

**4. Division of Administration and Finance**

**A. Division Update**

**1) Personnel**

- a. Any plans for new titles, reclassification or earmarking of existing titles, redefining job descriptions/duties, or other changes to a title?**
- b. Discussion on hiring plans after LSR T&E exam results are published**

**c. Discussion of DOL titles to be filled by PCO exam**

WPS1, LSR, Accountant, Auditor are some of the many titles filled by the PCO exam. Personnel is working on hiring from this list as an agencywide project for all program areas.

**d. Update on Boiler Inspector reclassification.**

Personnel has looked at the entire series of Worker Protection titles. This project will require work groups to be established and a lot of time to review with Program. Personnel is currently involved in exam planning with Civil Service for 2023-2024 and a multitude of other projects. This review is next on the list of projects and will begin when able to do so.

**e. Discussion of LVER classification, compared to Employment Services Representative.**

*Follow up response provided by Personnel:*

Generally, Labor Services Representatives (Local Veterans Employment Rep) are responsible for performing job matching, referral functions, and job placement for all veterans serviced by their Career Center(s). LVERs work with Career Center staff to gain insight on the veteran talent pool and industries they represent. They review veteran customer resumes, update their employability profiles, and perform business outreach on behalf of veterans. They advocate for the hiring of veterans and promote various programs for businesses who employ veterans. They work with the Business Services team(s) to develop veteran opportunities, assist with the development of customized recruitments for veterans, and participate in veteran workgroups. LVERS also serve as a resource for other Career Center staff by providing specific veteran knowledge, labor market information, and have a working knowledge of DOL business services. They conduct business focused job searches and workshops for veteran customers and participate in various activities such as job fairs. If a business is assessed as needing Layoff Aversion, the account would be assigned/transferred to the Business Engagement Team for assistance with items such as Shared Work/Rapid Response service.

Employment Services Representatives focus their efforts on identifying and developing strategic business relationships by conducting outreach or site visits to businesses in their local market and explaining DOL Business Services. They maintain relationships with existing business customers, as well as research and seek out new businesses to promote services to. ESR's promote different programs and services to connect the needs of the business to our services, including assisting in connecting them with job applicants from DOL talent pool. ESR's provide more complex services on the business side as they maintain relationships with businesses in their area, monitor the business needs, produce job orders, review matches/referrals from the DOL talent pool for appropriateness; they work with industrial organizations, HR organizations, chambers of commerce etc. to support regional Business Services team in developing business services plans. Additionally, ESR's plan and execute large scale job fairs, mini job fairs, customized recruitments, and monthly virtual career fairs. They also participate in other local job fairs and events not hosted by the NYSDOL. ESR's also provide information to businesses on labor market information, DOL programs, and partner agency programs.

It must be noted that while LSR LVERS do perform business outreach, the duties of an LSR LVER are outlined in [38 U.S. Code 4104\(b\)](#). [38 USC 4104: Local veterans' employment representatives \(house.gov\)](#)

**5. Unemployment Insurance Division**

**A. Division Update**

The entire division continues to transition out of pandemic era record high workloads and towards the launch of the new modernized system. New process and technologies that were adopted

during the pandemic continue to be refined and modified to meet the mission of the UID. Staff's commitment to positive change and outstanding customer service is exemplary.

## **B. Update of UI modernization**

UI modernization is on track for delivery in late 2023 provided development and thorough testing remain on pace. Division staff continue to work with the project team in a wide variety of ways to ensure the project stays on schedule.

## **C. Discussion of TCC hold times.**

At the start of 2023, several factors resulted in longer hold times and higher call volumes to the TCCs thereby resulting in some customers seeking assistance from additional channels for UI claims related issues. State holidays along with the change in calendar quarter in conjunction with above average workloads all resulted in increased phone volumes. Staff's diligent work continued and phone volumes and service delivery have returned to levels prior to the end of 2022.

## **D. Discussion of ASO vacancies – Rochester.**

- ASO Vacancies, Rochester: the UI Division has vacancies throughout, not only in the ASO Rochester office. As to general ASO operations, we are pleased to report that, thanks to the team, there is no backlog. Instead, the case inventory is daily work in progress and cases are being referred to the UIAB within days.
- As indicated earlier by finance, the UI Division has had limited capacity to hire/promote for quite some time and that's why last year's promotional opportunities could not be filled in that office.

## **6. Research and Statistics**

### **A. Division Update – any new special projects?**

- 6 new hires since August 2022 (5 are PEF)
- 6 current openings (all PEF positions)

## **7. UI Appeal Board**

### **A. Division Update**

- Currently reviewing potential for Admin staff to telecommute one day each week rather than current practice of every other week.
- Currently have 111 employees (excluding Board members)
- 83 of current staff are PEF
- Recently hired 3 ALJs and have 4 additional ALJ positions posted (2 in Menands, 1 in Syracuse, 1 in Buffalo)
- Several Admin positions will be posted soon

### **B. Discussion on writing day.**

- ALJs have Friday designated as writing day. This is working well and will continue as long as operationally feasible.

### **C. PEF requests update on the UI hearing platform and ALJ telecommuting.**

- Actively working with vendor on technical requirements.
- 6/30/23 is scheduled launch of new UI hearing platform.

## **8. Division of Employment and Workforce Solutions (DEWS)**

### **A. Division Update**

- With the release of the Professional Career Opportunities (PCO) and Labor Services Representative (LSR) exam results, DEWS will be evaluating staffing levels across the state and looking to add staffing where needed.

- Virtual Reality is coming soon. DEWS is working to rollout Virtual Reality headsets in every region of the state. These headsets will transform the way we approach career exploration. We will be providing training to the career center system in the coming months.
- The Apprenticeship Council Meeting will be held on Tuesday, March 28, 2023 at 11:00am. This meeting is being held both in person and via Zoom.

**B. Discussion of data collection under Program Eligibility/Dislocated Worker/Comp Assessment**

*Mark Cutturini will follow up.*

- 1) **LSRs request more guidance**
- 2) **Privacy concerns**

- Information collected related to program eligibility, Dislocated Worker status, and the data points housed in the Comprehensive Assessment window of OSOS are required to be collected under the Workforce Innovation and Opportunity Act (WIOA) reporting requirements.
- Information collected is housed securely in OSOS and is used for two primary purposes.
- The first is to determine eligibility for additional services and support such as supportive services, training, eligibility to receive services by our DVOP staff etc.
- The second is to meet federal reporting requirements under WIOA. WIOA is a federal funding stream that supports staffing within our division.
- DEWS is committed to providing staff resources and training as needed. Please share any areas that you feel Training is needed and we will work to address them.

**C. Update on Career Center enhancements.**

After requesting clarification, we were advised that this item was referencing re-imagining our career centers as discussed at the all DEWS-staff meeting held in February. Initiatives around enhancing and/or re-imagining our career centers are still in the very early stages. We will provide updates as these initiatives are more fully developed.

**D. Cell phones for Business Services Representatives**

At this time, we are not approving cell phones for Business Services staff. Career Center Managers, including those covering multiple offices, do not have state issued cell phones. This request for cell phones for Business Services staff has come in from only one region, Finger Lakes. Our Business Services Teams across the state number approximately 100-125 staff when fully staffed. If this was offered we would need to do so statewide, which is not a fiscally sustainable effort.

**E. Ban on Non-comp time for the Apprenticeship unit**

DEWS has not placed a ban on non-comp time. Staff that travel and periodically need to work during non-traditional hours have altered work schedules. This includes the Registered Apprenticeship Unit as well as other units with the division. Staff in these areas have the ability to adjust their work schedules when necessary to work outside of their normal work hours, which negates the need for non-comp hours. Any staff member that needs assistance with prioritization/adjustment of their schedules should contact their immediate supervisor for guidance.

PEF is concerned regarding time when staff are required to work late due to unforeseen work circumstances but will not receive non-comp time.

ERO requests further clarification on the issue, and examples, to continue this discuss and provide an appropriate response.

## 9. Worker Protection – Division Updates

### A. Division Update

#### 1) Safety & Health

- Promotions:
  - 4 Sr. S&H Inspectors (2 promoted in ACB, 2 promoted in Industry)
  - 1 Supervisory S&H Inspector (Industry)
  
- New hires:
  - 8 S&H Inspectors (3 HERO, 4 PESH, 1 Industry)
  - 3 Senior Industrial Hygienists (2 On-site, 1 PESH)
  - Currently recruiting 15 positions
  
- Tech Updates:

The L& C Unit is launching the first of many MPWR applications, beginning with mold licenses. It is anticipated this will reduce the current workload as applicants can now apply and pay online reducing data entry and payment processing. This represents approximately 3,000 annual applications in mold alone. It is expected L&C will be adding the asbestos related licenses and certifications to MPWR later this year to include an additional ~20,000 annual certificates and licenses.

#### 2) Public Work

- New Hires:
  - 1 IO3 hired in Albany
  - IO1 hired in Syracuse

#### 3) Labor Standards

- Staffing
  - 9 PEF employees left the agency (1 was a retirement)
  - 10 PEF IO1's hired
  - 3 PEF Promotions to IO2
  - 2 of 3 provisional who took 4.2b passed the exam
  - 2 upcoming promotions to IO4
  - 2 upcoming promotions to IO3
  
- Performance

Staff is performing well – We've returned more wages to workers in January and February this year than we did in the same 2 months last year.
  
- Other

OSC audit of New York City investigations continues – only 1 preliminary finding provided so far. It will soon be 1 year when they started their field work. MPWR requirements gathering and testing going well

#### 4) Special Investigations

- OSI Staffing Between Oct 2022 to Present
  - 6 PEF employees left
  - 1 accepted job offer, was onboarded, but then rescinded
  - 3 separations
  - 2 retirements
  - 3 PEF IO1's hired
  - 1 PEF Hourly Project Coordinator hired
  - 3 PEF Promotions
    - 1 IO3 to IO4
    - 1 IO2 to IO3

- 1 IO1 to IO2
- 2 PEF Pending promotions – Nominations submitted; waiting for approvals
  - 1 IO3 to IO4
  - 1 IO1 to IO2

Staff is performing extremely well. We have staff working on a number of different projects related to fraud detection, fraud prevention, and clearing issues for victims of fraud. Staff are being cross trained to be able to work on different OSI projects as needed.

## 5) Division of Immigrant Policies and Affairs

- New Hires  
2 Labor Trafficking Response Specialists in NYC: Adriana Suarez and Stephanie Linares.
- Labor Trafficking Taskforce:  
To expand on New York State’s commitment to support and protect victims of labor trafficking, NYSDOL is growing to include a new Anti-Trafficking Unit under its Division of Immigrant Policies & Affairs. The new Anti-Trafficking Unit includes Labor Trafficking Response staff stationed in New York City and Albany, and it will ensure those most vulnerable to labor trafficking know the signs and resources available to help them if they become a victim.

### B. Discussion of Investigative Officer v. Investigative Specialist titles (*Personnel*)

There is a difference in Peace Officer status. The titles with Peace Officer status are at a higher salary and those titles do not exist at DOL.

### C. Discussion of Advanced Placement for hourly LSRs who move into WP titles.

Permanent LSRs have Civil Service transfer rights, and salary protection when transferring into a different position. Hourly employees would be required to enter a traineeship. It is at the discretion of program to determine which phase of the traineeship staff will begin.

### D. Discussion of Employee Recruitment/Retention in light of efforts to privatize Labor Standards work

Senate bill S541 and Assembly bill A1893 were presented to privatize LS work. PEF is against these bills. DOL attempts to retrieve the funds to be returned directly to the employees. These bills cause concern private agencies will have an outside agenda.

When/if the bill moves, DOL will respond and PEF will be allowed to as well.

## 10. Outstanding Business

### A. Update on telecommuting, per the CBA.

- Currently working to include pivot to home.
- PT303 - “limit” should be removed as there is no limit in the new 2019-2023 PEF contract. This language will be removed.
- Application will be revised to list days as Monday-Friday as opposed to LATS pay periods.

### B. Update on local LM vs. regional LM meetings.

Will continue discussion after LM training.

### C. DOL outings – discussion of documenting attendance.

Event coordinator can provide the list. This does not have to be separated by union.

## **11. New Business**

### **A. Weather and other emergency alerts**

Info should be sent as a reminder to staff regarding NY alert.

### **B. Labor-Management relations**

Will discuss after LM training.

### **C. DOL PEF conference.**

PEF would like to delay the conference until after training. Robert will follow up with Mark in writing.

### **D. DOL Events/picnics**

Robert Wright will provide picnic request template to ERO

## **HANDOUTS**

### **Budget Section:**

1. Federal, State Budget, UI Trust Fund Status Update
2. Monthly Summary Position Allocation & Spending by Major Division
3. PEF Count of Employees by Division
4. Permanent Employees
5. PEF Hourly Employees
6. Summary on Leases
7. Number of Hourly vs Permanent LSRs & Employment Counselors by office location and division

### **UI Section:**

8. Initial Claims

**Next meeting:** TBD