

**NYS and PEF
Article 13 Joint Committee on Workers Compensation
December 21, 2022 - Meeting Minutes**

<p>PEF Representatives: Zoom: David Dubofsky, Co-Chair Vikky Urena In Person: Prakash Lal Geraldine Stella, Director H&S Ed Aluck, Esq, Kelly Lockwood, Minute Taker</p>	<p>Management Representatives: Zoom: Ed Cottrell, Co-Chair / OER Vincent DePaul, DCS A&L Unit Mary Sherman, DCS A&L Unit Clay Lodovice, Esq., OER, Assistant Counsel Vincent Ginardi, NYSIF: Contract Specialist - GUEST</p>
<p style="text-align: center;">Agenda Topic</p>	<p style="text-align: center;">Issues</p>
<p>1. Introductions</p>	<p>Action/Follow Up</p>
<p>2. Committee Operations a. Meeting Dates for 2023 i. March 15 ii. June iii. September iv. December</p>	<ul style="list-style-type: none"> • Dates set for 2023 meetings: (prep/meeting): 3/1 and 3/15, 6/16 and 6/28 (Ed C needs to check this date), 9/6 and 9/20, 12/6 and 12/20. • PEF wishes to continue these meetings in person starting in the new year. OER will start in June of 2023 to avoid the current flu /illness season. OER would like to continue having the hybrid model available in case of sickness or for convenience. PEF is willing to accommodate. • OER: If you have/do experience difficulties requesting time to attend Art 13 meetings to contact Ed C.
<p>3. Minutes a. OER to propose a format b. Review of PEF draft for Sept Meeting Minutes</p>	<ul style="list-style-type: none"> • New format of minutes (from 9/30/22 meeting) are viewed. OER states that if there are no specific identifiers in the minutes other than PEF/OER, OER will have no issue with them. OER does not object with the Action Items.
<p>4. New Parole Benefit a. Follow up from September Meeting b. Outline of responsibilities of Art 13 Committee meeting i. Develop guidance documents</p>	<ul style="list-style-type: none"> • OER: State/PEF negotiations have begun and may include parole officer benefit – it is not appropriate to discuss terms of implementation, improvements of the benefit, and permanency outside of negotiations.
<p style="text-align: center;">Due 1/11/23 OER will check on availability for the 6/28 date</p> <p style="text-align: center;">Due 1/11/23 OER will review the proposed minutes from 9/30/22 meeting and sign. Due: 1/11/23</p> <p style="text-align: center;">Due 1/1/13 and share as info received; OER to provide:</p>	

<p>1. See PEF factsheet used at August workers comp training</p> <p>ii. Expand MOU to other PEF titles</p> <p>c. Data request from Sept 2022 meeting</p> <p>i. Please provide claim data since Jan 1, 2022 to date by title, location, # of weeks for:</p> <ol style="list-style-type: none"> 1. The number of WC claims submitted under benefit 2. The number of workers comp claims determined to qualify for this benefit 3. the amount paid out under this benefit 	<ul style="list-style-type: none"> • PEF is seeking clarification regarding the benefit, not to discuss changes. Not asking to change the MOA here, but the information request still stands. The current benefit is in effect till March 2023 • OER is still working with DOCCS to obtain data. Data requested from DOCCS, including: the directive which should contain information such as how people are being advised of the benefit). • PEF: No DOCCS directive on it has been released to our knowledge so far. PEF asked what specifically OER asked for when requesting this information from DOCCS. • OER - the request was for any information regarding release of the directive, information about the benefit, and employee advisement of the benefit and application process. OER reached out to NYSIF on how much has been paid out for this benefit. • PEF - members are not aware of or trained on the benefit – how to access it, what the process is, what forms are needed, and the fear of reprisal for using the benefit. • OER - the NYSCOPBA benefit is discussed in the Training Academy. • PEF - the PEF benefit is a pilot program and is new for DOCCS many people are unaware and not being trained or notified of its existence. In some cases, DOCCS was charging member accruals rather than paying through the benefit. Parole officers fear taking time off that is needed, and then fear the transition back into work. People are returning still injured. Admin is making the paperwork difficult to fill out (incorrect forms, multiple visits by members to their doctors), as well as the fear of not being scheduled for work when they return as well as resulting payroll issues. There is not a clear and uniform standard for using the benefit: forms, process, and training. • OER - understands the difficulties, it works well for COs and are not sure why the same forms and format are not being used in the case of parole officers and DOCCS. OER asks why the disconnect for DOCCS? 	<ul style="list-style-type: none"> • How app process is supposed to work • What if any info is provided to injured workers • General info to all parole officers • PEF Information request: <ul style="list-style-type: none"> ◦ Process/procedures employees provided, forms, how to access ◦ Data request: Claims data since Jan 2022 to date by title, location, # weeks, # comp claims, # determined to qualify, amount paid <p><u>Due 1/11/23:</u> OER to follow up with WCB to get:</p> <ul style="list-style-type: none"> • Info for death benefit • Info for parole benefit
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<p>5. Article 11 Death Benefit</p> <ul style="list-style-type: none"> a. Issues with benefit include confusion over how it is administered and how families/beneficiaries apply for it b. Two revisions of the September 25, 2001 Currier Memo <ul style="list-style-type: none"> i. OER to provide c. Data request from September 2022 meeting: <ul style="list-style-type: none"> i. Please provide the claim data since January 1, 2020 to date for <ul style="list-style-type: none"> 1. Number of applications for each benefit (Cash benefit and Tuition benefit) 2. Number of approved claims for each type of benefit 3. Amount paid for each benefit 	<ul style="list-style-type: none"> • PEF - the disconnect is between the regional office and general admin regarding processing. Admins are not trained on the use and processing of the benefit. This is not a fully new benefit as it is used with NYSCOPBA for a long time. • OER - a directive issued by DOCCS will clarify procedures. In the meantime, if DOCCS administrative personnel have issues or questions they should contact the DOCCS Central Office. PEF Article 13 Committee members and staff may contact OER. • PEF – discussed specific examples of cases where DOCCS personnel gave incorrect information on the benefit, or applied the benefit incorrectly. PEF is looking to correct the misinformation. • OER - When on the benefit, members are treated as still being on payroll and receiving full pay. There is no transaction involving OSC in these cases. Civil Service says that agencies note the claim as WC – they have to track the # of days and keep that information. The state is reimbursed by NYSIF. • OER and PEF agree it would be beneficial to understand what training is being offered to administrators at DOCCS. 	
	<ul style="list-style-type: none"> • OER has 2 previous accidental death tuition benefit memos, as well as a recent one from Nov 17, 2022. Will send to PEF. • PEF information requests - under 5c of the agenda. • OER will contact the WCB on 12/21/23. While speaking with them regarding the death benefit, OER will ask about parole benefits. 	<ul style="list-style-type: none"> • Update due 1/11/23 OER will contact the WCB for the information listed under point 5c.

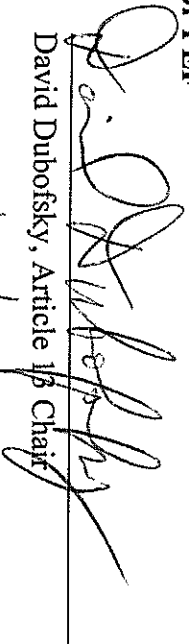
<p>6. Status of RFP for PBM Rx Benefit issued August 2017</p> <p>a. Still CVS Caremark – but are there any changes to the benefit?</p> <p>b. Link?</p>	<ul style="list-style-type: none"> • OER brought in a Contract Management Specialist with NYSIF to discuss amendments and changes to the PBM contract for the Rx benefit. • Contract was extended through 3/21/23 • This extension and extra processing needed to make the contract work has caused an increase in the cost per claim to \$16.03 from \$15.03, the amendment deals with funding this change. • PEF Questions and NYSIF responses: <ul style="list-style-type: none"> ○ Are there any changes between benefit structures between the amendment and original? When you say they were ADDED, were they there before and improved upon, or added? <ul style="list-style-type: none"> ▪ NYSIF will take this question to admin for a more concrete answer. This will be included in the upcoming contract. ▪ No significant changes on how the benefit works, there may be enhancements. ○ Is access to the benefit in place until March 2025? <ul style="list-style-type: none"> ▪ Response: Correct, when the contract expires ○ PEF has a form that is given to members to take to the pharmacy stating their claim is filed. OER has a template of this form on their website. Often agencies may tailor this to fit their needs. Are their changes to this form? <ul style="list-style-type: none"> ▪ Response: NYSIF does not believe this would change. ▪ OER comments that the PEF WC packet is a great document, and that they can verify with the Dept of Civil Service. Changes can be verified with a link. OER will pass it along if it does. OER believes that since it is the same company, but merely an extension of it, then no changes ○ Can you speak about the improvements in the amendment and what they are? <ul style="list-style-type: none"> ▪ NYSIF can send the summary as well as answer contract-related questions. If there are more technical 	<ul style="list-style-type: none"> • DUE 12/21/22: NYSIF will send the summary and updates to OER, to share with the committee ▪ DUE ASAP: OER will check with the Dept of Civil Service on the claimant information packet and send it to the committee (link)
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<p>7. Sample Workers Comp Packet from each Agency</p> <p>a. ACTION: OER to provide a copy from each agency</p> <p>i. Status?</p>	<p>questions they must be brought to the contract admin.</p> <ul style="list-style-type: none"> ● PEF can follow up with NYSIF if there are further questions. ● Re: the Injured Worker packet from the WC board - Civil Service will check on how changes and updates are made to the packet on the website that all the agencies use. ■ A sub-committee will be established to review the packets. ■ Initial reviews for agencies with highest injury rates. Committee will review BSC (they oversee WC claims from 27 agencies). ■ The committee reviewed the OCFS packet several years ago and found many inaccuracies and corrections to be made. ~5 revisions during this process. These packets need to be modified depending on the bargaining unit. PEF's concern is accuracy regarding their own members. <ul style="list-style-type: none"> ○ Once review is completed, move on to OMH, DOCCS, DOT, etc ■ PEF requests a list of agencies BSC does the WC claim processing for. ■ OER requests a checklist of what PEF would like to see included in these packets – this will help with evaluation and advisement. 	<p><u>DUE NEXT MEETING:</u></p> <ul style="list-style-type: none"> ■ PEF will create a checklist of what they would like to see included in the workers compensation packets for agencies. ■ OER will provide copies of the packets from OCFS and BSC, which PEF and OER will then review before next meeting. ■ OER will provide a list of the 27 agencies have their WC claims processed through BSC
<p>8. Workers Compensation Booklet</p> <p>a. Booklet to be online and/or print?</p> <p>b. Review OER changes to last copy sent by PEF</p>	<ul style="list-style-type: none"> ■ OER: With EO22, the focus is being moved to more green practices within the state. OER will check on if the State will still allow WC booklets to be printed or if they must be digital and if there are any limitations regarding the type/source of paper used. For now, make available online until further information has been gathered. ■ PEF - The packets online booklet should be more specific for each bargaining unit. There is a chart in the Attendance and Leave Manual that separates out the different benefits by unit – is it possible to use this format and add links for each bargaining unit's members to seek out their agency-specific information? ■ OER agrees this would be a useful tool and proposes setting up a subcommittee to examine and create it. OER 	<p><u>DUE NEXT MEETING:</u> OER will examine EO22 for details about printing and distributing paper packets – source and composition of paper, or do they need to be completely digitally dispersed.</p> <ul style="list-style-type: none"> ■ <u>DUE 1/11/23:</u> PEF and OER will select members for a subcommittee focused on creating an online tool that will allow members of different bargaining units to access information in WC packets specific to their agency/unit.

	<p>and PEF will select members to join the subcommittee and continue discussions and schedule meetings.</p>	
<p>9. WTC Programs a. Status of OER training development with CSEA Partnership? b. OER new contact at DHSES? And is their training updated?</p>	<ul style="list-style-type: none"> ▪ OER: The CSEA Partnership WTC webinar provides information about Federal and NYS program – the training is also open to PEF members. It explores hazards and health conditions from 9/11, eligibility, requirements, enrollment, and resources for anyone who lived near, worked on, or responded to the attack in any capacity. OER will send the link for the webinar to PEF. PEF is allowed to advertise the webinar and share with members. ▪ OER - there used to be a program offered by a private provider offering free, in-person sessions and assisting attendees to sign up on the spot, included notaries and other resources to complete the application. OER will let PEF know if/when this class is offered. Attendees include people who delivered to the site or volunteered. It would be beneficial to include a broad range of people affected by 9/11 - they could benefit from being screened and monitored. DHSES no longer has a person training on the program. OGS used to have a booklet available on monitoring and criteria for inclusion in the program. 	<p><u>DUE ASAP</u></p> <ul style="list-style-type: none"> ▪ OER will provide a link for the webinar. ▪ OER will send information to PEF on the catalogue. ▪ OER will see if the OGS booklet is still being published and distributed.
<p>10. Review of Action Items</p>		

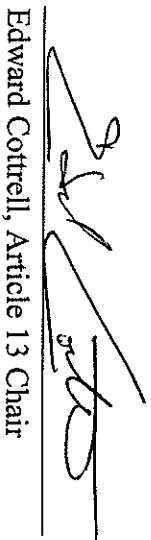
Minutes Approved and accepted by:

For PEF


 David Dubofsky, Article 13 Chair

Date 7/6/2023

For OER


 Edward Cottrell, Article 13 Chair

Date 7/6/2023