**OCFS AGENCY LEVEL PEF LABOR/MANAGEMENT**

**MINUTES**

**APRIL 20, 2023**

**Attendees:**

**Management:** Miguelina Williams – Director, Labor Relations, Tonya Boniface – Deputy Commissioner of Human Resources, Colleen Driscoll – HRS, Labor Relations , Blake Washburn – HRS, Labor Relations, Alicia Yodis – HRS, Labor Relations, Cheryl VanVorst – HRS, Labor Relations, Peter Stein – HRS, Labor Relations, Brian Kelley – CWCS Program Manager , Noel Degiovine – HRS, Labor Relations, Donisha Dean – HRS, Labor Relations, Kristin Gleeson – Associate Commissioner SCR & CWCS, Laura Wilmoth – Assistant Director SCR, Robert MacGiffert – Associate Commissioner DJJOY Facilities Management, Joe Tommassone – Associate Commissioner DJJOY Youth Programs and Services, Ryan Nivision – Assistant Director, Labor Relations, Anyata Williams – HRS, Labor Relations, Colleen Driscoll – HRS, Labor Relations, Michael Mahoney – Director, Management Services, Sharon Devine – Deputy Commissioner for Administration, Tonya Russell – Director, Personnel

**PEF:** Meghan Keegan – Field Representative, Sharon Samuels – Council Leader, David Takor – LM Co-Chair/Executive Board Member, Bernard Johnson – Member Mobilizer/Committee Member, Robin Matthews SWLM Chair/Executive Council, Chuckwidziem Ajoku – Council Leader, Tiffney Nerkowski – Steward, Ross Dorsey

**New Business:**

1. Hazardous Duty Pay
2. State Central Registry

 **Old Business:**

1. Staffing Issues
2. Facility Closures and Concerns
3. Parking
4. Sub-Committee Reports
5. Office Moves
6. Update on Upcoming Exams and List Status
7. PEF Access to Employees and Other Employees Concerns

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**MINUTES**

**APRIL 20, 2023**

ISSUE: HAZARDOUS DUTY PAY

NEW BUSINESS: NUMBER 1

OLD BUSINESS: NUMBER

**CONCERNS OF INITIATING PARTY:** PEF requests discussion on, but not limited to the following:

1. Does OCFS have any plans for Hazardous Duty Pay for essential staff due to Covid-19?

PEF requested to know whether Hazardous Duty Pay would be extended to essential staff who worked during COVID-19?

**DISCUSSION/RESPONSE:**

*Management reported that OCFS requested all impacted titles however Civil Service and NYS Department of Budget granted hazardous duty pay to a limited number of impacted titles and later determined to focus on the healthcare worker bonus pay. OCFS was left out of legislation. OCFS did try to get Youth Counselors and other titles included, but was not successful.*

**ACTION ITEM:**

None

 **OCFS AGENCY LEVEL PEF LABOR/MANAGEMENT**

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**APRIL 20, 2023**

# ISSUE: STATE CENTRAL REGISTRY

NEW BUSINESS: NUMBER 2

OLD BUSINESS: NUMBER

**CONCERNS OF INITIATING PARTY:** PEF has met with SCR management regarding several issues for which no response has been received and/or local management has declined to negotiate including but not limited to:

1. Overtime MOU – Management has not responded or provided comments on a proposed MOU for the SCR. Currently all staff are on MOT and no VOT is being offered. In addition, OT procedures are contained in a word document that has not been reviewed as an internal OCFS policy or negotiated with the Union.
2. Management was presented with updated MOUs for vacation bidding, shift bidding, and seniority. Management declined to negotiate on these issues which has been a source of low morale for members.

**DISCUSSION/RESPONSE:**

PEF raised a concern that there are no agreements between PEF and the SCR on topics such as vacation bidding, over time (OT) and shift bidding and that the seniority agreements are relatively dated. PEF previously submitted a draft MOU regarding mandatory OT and would like a response from management.

*Management reports that the proposals submitted to Management will not work for the SCR because they were based on MOU’s developed for the Justice Center VPCR.*

*The Union responded that Management to date has provided no written feedback or proposed language changes to the proposed documents so that the Union can work with Management to come to an agreed upon process and these issues are mandatory subjects of bargaining.*

*Management reports that members have not complained about these issues and therefore there is no reason to bargain on these issues. The Union contends that members have routinely complained about these processes and that was the reason for approaching Management with these draft MOU’s. Management wants specific data on member complaints on these issues.*

*Management noted that voluntary OT is always offered first, and mandatory OT follows if necessary.*

*PEF did a survey of morale at the SCR and provided that feedback to Management at the last local LM.*

**ACTION ITEM:**

*Management will send the written responses to Meghan Keegan and asks PEF to provide additional questions.*

*Management will review the submitted draft MOU and provide a response to PEF.*

 **OCFS AGENCY LEVEL PEF LABOR/MANAGEMENT**

**MINUTES**

**APRIL 20, 2023**

# ISSUE: STAFFING ISSUES

NEW BUSINESS: NUMBER

OLD BUSINESS: NUMBER 1

**CONCERNS OF INITIATING PARTY:** PEF requests discussion on, but not limited to the follow:

1. PEF requests an update on how many PEF Provisional, Contract and Temp employees exist in OCFS and a listing of what those titles are.
2. PEF requests an update of the current fill level and FTE in OCFS.

a. Where are the vacancies located?

1. PEF requests information on the number of traineeships that are available in OCFS and what the titles are.
2. PEF requests information/update regarding any new positions/titles replacing existing positions/titles.
3. PEF requests continued discussion/an update regarding PEF staff (i.e YCs) covering CSEA positions (i.e. YDAs)

**DISCUSSION/RESPONSE:**

*Management advised they have a handout available that satisfies this request. The document was printed in anticipation of this being an in-person meeting,but will be provided electronically after the meeting has concluded.*

*Reassignments are based on Civil Service Law. Management will look over the proposal and have further discussions with PEF. Management agreed to provide additional information upon request of the Union.*

 **ACTION ITEM:**

Management will provide Meghan Keegan with a copy of the printed documented.

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**MINUTES**

**APRIL 20, 2023**

# ISSUE: FACILITY CLOSURES & CONCERNS

NEW BUSINESS: NUMBER

OLD BUSINESS: NUMBER 2

**CONCERNS OF INITIATING PARTY:** PEF requests discussion on, but not limited to the following:

1. PEF request information on facility closures
2. PEF requests information on CMSO staff being reassigned to facilities.
	1. PEF request a MOU to address the process.
3. PEF requests information regarding the mandatory overtime and why voluntary overtime isn’t being utilized.
4. PEF requests information on why vacation agreements aren’t being negotiated.
5. PEF request information on the new Federal Legislation Pregnancy Act
	1. What are OCFS’ plans to move forward once it goes into effect in June 2023?
6. PEF requests a timeline for when Brentwood should be receiving new radios since the old radios are not functioning properly
	1. PEF requests information on why Brentwood doesn’t have ink to operate the printers in the facility.
	2. PEF request information on who is responsible for ordering supplies.
7. PEF requests the development of a SW MOU regarding MOT of PEF titles to CSEA duties

**DISCUSSION/RESPONSE:**

PEF brought forth a concern that due to staffing levels being critically low YC staff assigned to CMSOs have been deployed to facilities. This has caused some hardship for staff and as such, the union hopes to establish an agreed upon process for reassigning staff to different work locations in times of need. PEF has sent a draft agreement regarding this and would like management’s response.

*Management advised there are no facility closures.*

*Management advised they have a written response which will be sent to Meghan. (MOU)*

*The Union indicates that due to facility staffing issues, YC staff working in CMSO’s have been reassigned to facilities. There is no agreed upon process for this and the Union is seeking to have an MOU that ensures this process is fair and that staff have adequate resources in place to be able to work in facility locations.*

*Management responds that reassignments are done in accordance with Civil Service Law and the PEF contract. Management will look over the proposal and have further discussions with PEF. The Union states that once proposed feedback is received the Union will meet with impacted members and have the draft language reviewed by Contract Administration.*

*Management is working with legal to respond to question 3.*

*Ross Dorsey will send specifics on question 4 to Meghan Keegan and Meghan will send to Management for response.*

PEF asked if the agency is prepared for any changes that may arise from the passing of the Pregnant Workers Fairness Act (PWFA), set to go into effect on June 27, 2023, which will require employers to provide a reasonable accommodation to workers for known limitations related to pregnancy, childbirth, or related medical conditions.

Management responded that the agency is working to determine if any changes need to be made to the reasonable accommodation process as it already exists. An update will be provided at the next meeting.

PEF asked specifically about two concerns at Brentwood RC: the availability of printer ink and new radios.

*The printer inks the issue is color printing which goes out for bid. Management reached out to the facility manager and there’s a bid out for colored ink which is dealt with through the Brentwood office.*

Management responded that while black ink is easily procured by the facilities’ business office via Staples, procurement of colored ink does not follow the same procedure. There is currently a bid out for the colored ink. BRC welcomed a new business office employee recently who was unfamiliar with the process, but this should not be an issue going forward.

*The radios are slated for replacement and there is currently a rotation process the contract is held up at Attorney General’s office once it has been agreed upon Highland, Goshen, and Brentwood will get new radios this year. (No firm date provided)*

Management responded that BRC and two other facilities (Highland and Goshen) are slated for radio replacement this year. The contract with the vendor has been held up at the Attorney General’s office due to some language issues but progress is being made. Once the contract is finalized, HRC is scheduled to get radios first and their old radios will be utilized by BRC until theirs are also replaced by new ones. GSC will follow BRC. There is no timeframe for completion at this time but once the AGs office releases the contract a timeline will be established.

*The Union has concerns about PEF members being mandated to CSEA duties due to staffing issues and requests a statewide agreement on when and how this would occur. The Union requested that Management ensure the draft agreement language does not impact agreements with CSEA on these issues. Once Management proposes changes to the draft agreement, the Union will meet with impacted members to obtain feedback and have the document reviewed by contract administration.*

PEF brought forward another drafted MOU that came up from staff at BRC regarding mandatory out of title work during emergencies. They are looking to negotiate on a process by which management handles the assignment of mandating PEF members to perform CSEA duties and would like a response from management on the draft.

PEF mentioned that a draft MOU for the Labor Management process was also submitted regarding Union access to email and meetings and requested management evaluate and respond to that as well.

*Any MOU/MOA submitted previously management will review and discuss in a future meeting. (Internal discussions)*

Management stated that this and all other previously submitted draft MOUs will be evaluated so they can be discussed at future meetings.

Management replied that all submitted draft MOUs will be evaluated and responded to.

**ACTION ITEM:**

*Management advised they have a written response on the proposed MOU’s and be prepared for a more productive discussion on these matters by our July 2023 meeting. (MOU)*

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 ISSUE: PARKING

 NEW BUSINESS: NUMBER

OLD BUSINESS: NUMBER 3

 **CONCERNS OF INITIATING PARTY:** PEF requests discussion on, but not limited to the follow:

1. Adam Clayton Powell Building – there is no longer parking for staff, due to state fleet vehicles taking the spaces. Is there a plan in place to have parking for staff?

1. Is OCFS allowing any other vehicles to park in the building besides the state fleet vehicles?

**DISCUSSION/RESPONSE:**

PEF indicated that there is a lack of parking for staff working at the Adam Clayton Powell State Office Building in Harlem and it’s because state cars are taking up spaces.

PEF mentioned that during the pandemic, OMS provided a list of parking garages in the area of ACP and requested that document be sent once more.

*There are no changes to Adam Clayton Powell Building parking. The parking space is handled by OGS Parking services listing. Management will contact OGS parking services for more information. There have been no negotiation changes. Staff may have been awarded a parking spot based on a list.*

*No other vehicles are allowed to park in the space.*

Management responded that the agency has not made any changes to the OCFS parking at ACP. The parking there is handled by OGS parking services. OMS will reach out to OGS and see if any further information can be obtained about parking and how spaces are awarded.

 **ACTION ITEM:**

*Management will contact OGS parking services for more information pertaining to the space count and list.* (*Follow up with Robin Matthews*) *Management will also send a list of parking garages to Sharon Samuels.* Management (OMS) will provide that list prior to the next meeting.

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# ISSUE: SUB-COMMITTEE REPORTS

NEW BUSINESS: NUMBER

OLD BUSINESS: NUMBER 4

**CONCERNS OF INITIATING PARTY:** PEF requests the names of the Management representatives for each of the following committees:

**Reports from the following sub-committees:**

1. Education:
2. Counseling:
3. Alternative Work Schedule/Telecommuting
4. Training and Staff Development:
5. Nurses:
6. Hazardous Duty Pay:

 **DISCUSSION/RESPONSE:**

*Management will provide a staff assignment list to PEF.**Management requests a listing of PEF representatives. The Union responded that we are awaiting confirmation on Education and Counseling but have assigned Robin Matthews to Alternative Work Schedule/Telecommuting, Sharon Samuels to Training and Staff Development, Tiffney Nerkowski to Nursing, and Bernard Johnson to Hazardous Duty Pay.*

Management will provide a staff assignment list for Labor Relations which shows who is on which committee. Management asks that PEF also provide a list of their representatives for each sub-committee.

**ACTION ITEM:**

*PEF provided some names verbally and will provide a list of representatives to OCFS.*

*Management will provide a staff assignment list to PEF.*

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# ISSUE: OFFICE MOVES

NEW BUSINESS: NUMBER

OLD BUSINESS: NUMBER 5

**CONCERNS OF INITIATING PARTY:** PEF requests an update on moves and upcoming leases as well as a summary of any locations where leases are expiring.

1. Please provide an updated list of all office moves and closures for OCFS scheduled for the next six months.

 PEF asked if, in the next 6 months, there are any leases expiring or any relocations possible?

**DISCUSSION/RESPONSE:**

*There are no pending leases or relocations within the next 6 months.*

Management replied that there are no leases expiring or office closures/moves planned in the next 6 months.

**ACTION ITEM:**

None

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# ISSUE: UPDATE ON UPCOMING EXAMS AND LIST STATUS

NEW BUSINESS: NUMBER

OLD BUSINESS: NUMBER 6

**CONCERNS OF INITIATING PARTY:** PEF requests information regarding:

**1.** PEF is requesting and update regarding the titles management is asking Civil Service to conduct tests for in 2023.

**DISCUSSION/RESPONSE:**

*The report will be sent to PEF today.*

Management responded that there is a report that can be run with those details, and it will be provided via email after the meeting.

**ACTION ITEM:**

Management will provide the report

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# ISSUE: ACCESS TO PEF NEW EMPLOYEE’S & OTHER EMPLOYEE CONCERNS

NEW BUSINESS: NUMBER

OLD BUSINESS: NUMBER 7

**CONCERNS OF INITIATING PARTY:** PEF requests information regarding:

1. PEF requests an update on the Labor/Management agreement regarding Union Access to email and meetings

PEF asked if staff onboarding is done virtually and how the unions can reach new employees/potential new union members.

**DISCUSSION/RESPONSE:**

*The new employee orientation is every other Friday virtually. the understanding is PEF and CSEA is involved in onboarding. Management/ HR will work with PEF (David Takor) on the onboarding process.*

*The orientations are done virtually.*

Unions are provided time at each orientation to speak to their members and at one time there was an agreement with PEF that one of their stewards visit the training center to meet with new trainees. Management will work with David Takor from PEF to look at our onboarding process and discuss further.

**ACTION ITEM:**

Management will work with David Takor to look at our onboarding process and discuss further.

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# ISSUE: MEETING DATES

NEW BUSINESS: NUMBER

OLD BUSINESS: NUMBER

**CONCERNS OF INITIATING PARTY:** Establish dates for the next quarterly meetings. (In person with conferencing abilities Hybrid)

OCFS Proposes the following dates for the next two (2) quarterly meetings: July 20, 2023

July 20 or 27, 2023

October 19 or 26, 2023 OR November 16 or 23, 2023: October is no good. November 16, 2023

**DISCUSSION/RESPONSE:**

*Management and the Union agreed to meet in person while reserving the ability for LM team members to join virtually if they are unable to travel to Albany for the next meeting.*

 **Next Meeting Dates:**

July – 20 or 27, 2023

October - 19 or 26, 2023 OR November – 16 or 23, 2023

 **ACTION ITEM:**

Agreed to meeting dates as follows:

Thursday, July 20, 2023 – hybrid (in-person w/ phone conference for those who need)

Thursday, November 16, 2023