

# DFS AGENCY-WIDE LABOR MANAGEMENT MEETING

MARCH 12, 2024

## Minutes

**Attendees:** See Sign-In Sheets

### 1. Approval and Discussion of previous Labor Management Minutes

- Who is responsible for finalizing minutes on Management's part?
- Who is the management contact person regarding the minutes?
- What is a reasonable timeline to agree upon by the Co-Chairs for approving the minutes?

#### ***Management Response:***

*Management as a team will take minutes on a rotating basis per the labor management agreement. Contact April or Matt jointly agreed upon within 30days to have minutes finalized. Management is taking notes and send out a draft for labors review within 30 days. Management request advance notice of virtual attendees advised in person agreement preferred if telecommuting day members can switch their day to attend the meeting(s). Management advised counsel leader should send out the MOU agreement to members.*

***Action Item:*** Robert Wright will discuss further with Ashem. (in person meetings/minutes) PEF will have further discussions MOU agreement. PEF will provide the minutes to management. (Audrey)

## 2. Staffing and Vacancies

Please provide a copy of the latest staffing report at DFS before the March 12, 2024, Labor/Management meeting.

In case the report is missing the following, please include:

- Full list of names, titles, divisions, and seating assignments of current PS&T members
- Regarding rehiring former DFS employees, please explain their conditions of employment and provide the number of current and requested rehires, their titles, and the units in which they were placed.
- What is the current number of Professional, Scientific, & Technical (PS&T) filled positions at DFS, divided by division?
- How many PS&T positions are currently requested to be filled, divided by division?
- What is the current number of Non-Competitive filled positions, divided by division?
- How many Non-Competitive positions are currently requested to be filled, divided by division?
- Please provide a List of current titles (Ex: FSE 2, FSE 3, etc.) used at DFS.
- What is management's rationale for hiring an employee on a non-competitive basis when there are DFS employees for that position on the competitive promotional lists?
- Does management have a target percentage of non-competitive filled positions at DFS?
- Is the cost to DFS's budget less when hiring a non-competitive title vs promoting someone from the civil service list?
- Please explain if there is a difference between a non-competitive and an At Will position.
- It seems some divisions are getting promotions based on the civil service system, while others are getting the non-competitive specialist titles. Is that intentional. practice? What are the reasons for it?
- Can a specialist title (grade 23 - 27) transition to the same grade in civil service titles when they are reachable on the list?
- Please explain management's efforts regarding retention.
- Please explain management's efforts to address low morale.
- Please explain the conditions of the rehiring of former staff on a temporary basis.
- Please explain current management's effort to address the chronic understaffing.

## **Management Response:**

Management advised many of the above questions have been asked and reviewed there are no individual staffing review, currently 1303 employees, 79 CSEA, 937 PEF members, 287 MC members. There is no report that would provide seating arrangements for employees. Management request relevance of the requests for seating/location of employees. Management wants to explore why there are multiple counsels, April worked with the finance office and the tracking is no longer the same. (may not be accurate or relevant currently)

Regarding conditions of employment rehire depends on the item, part time, full time, or operational need. If rehired into a PEF position, then they are considered a PEF employee and PEF is notified with the individual information. There are hourly lines intended to bring in retirees and knowledge gaps to assist with training.

937 PEF employees however it is not divided by division. What is the need for the breakdown? Hiring from the public is open competitive positions all employees are eligible to apply for which they meet the minimum qualifications set by civil service. Exempt lines are preferred qualifications/salary set by the agency and approval comes from the office of employee relations and OER. Title modernization (2017) is not currently an issue at this time all individuals who meet the minimum qualifications can apply (merger DFS title modernization and rationale creation of non-competitive lines to allow management to staff as they see fit, to assist within the financial industry to build out). To bring in additional talent, expertise, and knowledge for the agency. Financial services management one is the only list being utilized and is earmarked by civil service the agency must get permission for hire for each position. Management successful in receiving fills and continues (FFC4's) individuals are using transfer rights for the positions. The entire management services series is obsolete. (Financial Services Management 1 request and conversation is ongoing twenty-nine level) Superintendent met with President Spence and all information has been provided. (223 positions come from the list) *(Rober Wright advised PEF training members on civil service rules)*

900 PEF, 237 CSEA 258 Non-Competitive titles (specialist lines Individuals who meet the minimum qualifications are being hired.) No break down by division.

Management does not have the numbers for PEF the numbers change all the time and management will not share currently.

Management has a printout of lines currently filled gave to PEF SW LM Chair Hesham. (attachment will be sent with the minutes)

No targeted fill for noncompetitive DFS goal is to properly staff all positions fiscal year 2022 was fully funded DOB ( 1291 current level but FTE is 1391) approved cash level. Commissioner Harris has pushed to fill all positions, but the agency is against attrition which is a statewide issue. (cannot compete with private industry)

There is no difference no matter the jurisdiction class.

Noncompetitive and At Will position this was addressed at the last meeting. At will are exempt employees, noncompetitive employees do gain certain rights, or five tag position DOB/civil service allowed to operate at a certain level or grouping and they are considered at will even if in a competitive line.

Every agency across the state is facing attrition. (Aging of the state workforce Question answer in bullet two.) The benefit package was the hook to hire years ago unfortunately tier six diminished the hiring.

Pertaining to recruiting and retention the agency sends out a canvass letter and waits for a response to the canvass letter. (civil service list) A specialist title 23-27 can be appointed if they are reachable on the list. (2 grade transfer as long as if it is a transferable title, check civil service listing for all transferrable titles. See HR for further information) Management advised the superintendent has advised efforts made for retention, AWS, telecommuting policies, operating very well under current telecommuting policy, continue to partner with wellness clinics, blood drives, ideas or requests related to retention. Management has monthly staff meetings regarding staffing needs and operational needs.

**Action Item:** PEF to provide further information for request for seating of employees. (location of employees) Management requests further discussions with leadership regarding operations within several agencies. Management will schedule a separate meeting.

### 3. DFS Travel Policy

- Labor is requesting the reconvening of the travel committee to address labor's concerns.
- Labor is requesting that DFS management use the discretion allowed in the State Comptroller's guidelines as follows:

Considering that the DFS field staff has been on a 100% telecommuting schedule since March 16, 2020, that DFS designates the field employee's residence as their official station only when said employee is on a field assignment and is traveling to the licensee's exam location.

#### **Management Response:**

*The travel policy(OSC guidelines) has been issued and three plus years working with the subcommittee on negotiations. Management request outstanding issues. 100% telecommuting are field employees. (not part of travel policy) Legacy individuals were grandfathered in some positions filled and posted with an official location. (Garden City, Buffalo, and Albany) Travel must be in the best interest of the state. Management advised has had numerous discussions and PEF was to provide a presentation and none was given. (management discretion to make location change, business, or operational need)*

### 4. Implementation of the \$600 higher education differential

On November 7, 2023, Management sent an email that read in part "..., we want to ensure employees have ample time to locate and submit their qualifying credentials as defined below."

- Why do employees in the PS&T unit at DFS need to submit qualifying credentials?
- Are there PS&T members at DFS who were hired without providing proof of acquiring post-secondary degree or certificate?
- Is management currently missing any PS&T member post-secondary credentials?

#### **Management Response:**

*The email went out and the office started the communication for the benefit. (937 PEF employees) Review to make sure everyone receives their payment timely. The ownness is on the employee to submit their qualifying credentials. Management hired new staff and pulled all who may have a degree. (Transcript were originally submitted by employee but does not mean they have a degree but moved forward through the recruitment process.) Employees can send a picture of their degree. The individual's information is entered manually.*

**Action Item:** PEF will send an email to all members for the \$600 higher education differential.

## 5. Telecommuting and AWS

- Is there a mandatory minimum of six (6) work hours per day? Based on what?
- Is alternate work schedule considered to be a pilot program?

### **Management Response:**

*There is a mandatory 6 hours per day if the individual is in the office. (Fifty percent in office) AWS have a day off and under OER guidance even though they work 9 days in a pay period they must have 50% in the office. (5days) Management adheres to the flexible telecommuting policy which currently exist.*

*The AWS is still a pilot program. Operational need dictates the operation of the unit/agency.*

**Action Item:** Management will consider amending the current telecommuting policy to include the verbiage for 6-hour workdays.

## 6. EAP position and allocated time

- Update on hiring an EAP coordinator.
- EAP committee make up and meeting schedule.
- Percentage of time allocated for the EAP person.
- Alternative options for staff until a coordinator are hired.

### **Management Response:**

*Management reposted and posted several times but no takers for the position. (20%)*

*Management discussed and review at the prior meeting see minutes from December.*

**Action Item:** April will send the members names to PEF for EAP Committee

Joint Labor/Management Training - Necessity of the joint training to streamline the labor/management process and to enhance the workflow at DFS.

### **Management Response:**

*Management and PEF will discuss further on Joint Labor management training. What training is PEF doing ahead of labor management training.*

**Action Item:** Management request PEF provide composition of the training all the particulars. Where, When, time and date.

## 7. Updates on unified GAM

### **Management Response:**

*There is some head way and reaching out on a subcommittee to discuss a unified policy [\(CSEA and PEF\)](#). Natasha is leaving and they are moving ahead with GAM. ITS has a list of ITS policies and unified. Time and attendance are being worked on. OFM is part of operations under finance and facilities. (new deputy starting next week will oversee)*

## 8. Updates and discussion on diversity and inclusion

### **Management Response:**

*Management requests suggestions from PEF.*