

OTDA PEF Labor Management Meeting

Date: October 8, 2024

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

Time: 9:00 A.M. – 12:00 P.M.

Introductions:

There are a few new faces to introduce, including Bruce Giddings the new PEF Statewide Labor-Management Committee Chair.

Agenda Items

1. Agenda Item – NYS Psychologist Assistance in Florida

New Business Old Business

Description: For at least the past 8 months, Labor has stressed the need of hiring Disability Review Physician Specialists and Disability Review Psychologists at Statewide and Local Division of Disability Determinations Labor Management (DDD SWLM) meetings.

In May 2024, Management’s response to Labor requesting overtime for Disability Review Psychologists was the Division of Budget “will not consider this request” at this time, and when PEF inquired about line items for hiring additional support “SSA has not provided NY with hiring authority for FY 2024”.

Currently, a handful of cases have been distributed to the state of Florida to alleviate the backlog of medical review claims in NYS. There has also been assistance provided by NY Regional Office (OQR SSA MCs - federal quality review doctors). To date, cases may wait up to approximately 30 days before being assigned to Medical Review Doctor (MC) in NYS.

Labor requests Management to provide the number of cases currently pending in the MC referral queues currently to date. Please provide total number of cases that have been distributed to Florida doctors, as well as to NY Regional Offices (not DDD doctors). Please also provide information for how many cases are distributed outside of the NYS DDD doctors that occur daily, weekly, and monthly. What is the expected length of time for these NYS cases to be distributed to Florida and NY Regional offices? What is the protocol to determine this

length of time? Also, what is being done to ensure the job security for our members moving forward?

Since the beginning, Labor advocates and clarifies the importance of our NYS employees and their job security. Outsourcing instead of keeping NYS's betterment a priority is the main concern. Labor asks for an open line of communication before said decisions are made. When will Labor be part of the decision-making process and not an afterthought?

Response: The total number of cases in the medical referrals queue is down to 7,500 as of October 7, 2024. Cases are not assigned to medical and psychological review consultants in Florida; individuals in Florida are given access to NYS DDD's medical referrals queue and work on NY cases as time allows. As of September 23, 2023, NY Regional Office has worked on 370 total cases from the medical referrals queue, and Florida has worked on 906 cases as of September 30, 2024. The projected length of time for accepting help from outside NYS DDD will depend on how long it takes to bring the medical referrals queue to an acceptable level (no more than five days outstanding).

Commissioner Guinn stated that this decision was made to support applicants of NYS. OTDA does not accept this as a long-term solution for managing medical queues. OTDA strongly supports its union members. NYS DDD is actively seeking approval to hire eight more medical and psychological review consultants through SSA's critical hire process. If this request is not approved, OTDA will elevate within SSA.

When a federal budget has been passed and hiring authority has been given, we will look to recruit more. While it is NYS DDD's intention to always discuss decisions that have an impact on its members with PEF, decisions such as these remain the purview of DDD Management and must sometimes be made quickly. Nevertheless, in this instance, Management acknowledges and regrets that this decision was not communicated timelier.

PEF's Response: PEF strongly disagrees with Management concerning their rationale for using Florida Doctors.

Action Item:

2. Agenda Item – Fair Hearing Backlog and Recruitment Update

New Business Old Business

Description: How many hearings are outstanding as of September 2024? Is the number increasing, decreasing, or remaining the same month to month? Many members have reported being unable to complete their daily work assignments in a 7.5-hour day.

If the backlog is staying the same or increasing, will the new hires be sufficient to tackle the caseload when fully trained? If not, are there other strategies available to help address this backlog. Have we had any new Hearing Officers resign? If so, do we know if it was related to the workload?

Please provide an update regarding Management's efforts to adequately staff Hearing Officers and Fair Hearing Specialists, specifically:

- How many Hearing Officers in the title series have been hired since January 1, 2024?
- How many Fair Hearing Specialists in the title series have been hired since January 1, 2024?
- Please provide a breakdown by location.
- How many positions remain to be filled?

Response: Six new Hearing Officers have left since January 1, 2024. Management has defined the criteria of "New Hearing Officer" as still being on probation at the time of separation. Two went to other State Agencies, the Office of Administrative Hearings (OAH) does not have information on the other four staff members. OAH is aggressively recruiting new staff members. OAH participates in job fairs, pays for on-line advertising, and works directly with law schools to find applicants. OAH encourages staff members to recruit friends, classmates, and colleagues to apply. OAH interviews candidates across the State and will offer Hearing Officer positions to candidates regardless of the nearest OAH office location. OAH anticipates adding space for non-attorney staff members in locations other than NYC and Albany.

OAH appreciates the tremendous efforts every staff member is putting forth. More New Yorkers request fair hearings than can be scheduled. There are a lot of underlying issues driving the request rates. OTDA is pursuing every possible option to resolve the scheduling imbalance. OTDA is working with other Executive Agencies and districts to eliminate resolved, unscheduled fair hearing requests. The Commissioner and Executive Deputy Commissioner advocate with Civil Service, Office of Information Technology Services, and the Division of the Budget.

Newly hired Hearing Officers/Trainees, future hires, retention, and other administrative remedies are needed to resolve growing unscheduled hearing requests. Many of these requests should be resolved through administrative methods.

PEF's Response: PEF continues to suggest helpful strategies to decrease the backlog; one of which is overtime for Hearing Officers for the reduction of the backlog.

Hearing Officer 1 appointments.	
Albany	8
Buffalo	9
Hempstead	6
NYC	22
Rochester	18
Total	63
57 positions remained to be filled.	
Hearing Officer 2 appointments.	
Albany	3
Buffalo	2
Hempstead	4
NYC	8
White Plains	1
Total	18
9 positions remained to be filled.	
Hearing Officer 3 appointments.	
Albany	1
NYC	1
Total	2
No positions currently remain to be filled.	

Fair Hearings Specialist 1 appointments.	
Albany	11
Total	11
39 positions remain to be filled.	
Fair Hearings Specialist 1 SL appointments.	
Albany	0
NYC	0
Total	0
5 positions remain to be filled.	
Fair Hearings Specialist 2 appointments.	
Albany	5
NYC	1
Total	6
1 position remains to be filled.	
Fair Hearings Specialist 2 SL appointments.	
Albany	0
NYC	0
Total	0
2 positions remain to be filled.	

Action Items: OTDA is pursuing new permanent and temporary spaces across the State and expects some of those spaces to be completed in January 2025.

Onboarding significant numbers in a short period is stressful. OAH improved new hire training with each cohort and welcomes ideas to make it better. OAH and PEF are concerned that new hires are struggling to finish reduced trainee calendar assignments during regular work hours. OAH and PEF agree to work collaboratively to resolve gaps between expectations and training.

PEF
OTDA

3. Agenda Item – COVID Leave/Telecommuting

New Business Old Business

Description: At the June 18th Statewide Labor Management meeting, Labor stated they do not support applying liberal discretion to provide extra telecommuting days to people who are COVID positive, but able to work. This forces many people to come into the office with COVID and spread this, among other diseases. With the ability to telecommute but not allowing this for COVID and other illnesses, what alternative options has Management decided upon for these individuals? Labor stresses the importance of protecting all employees from contracting illness and diseases and using broad discretion with the telework policy to ensure safety of everyone.

Response: OTDA Management stands by their June 18th response regarding this agenda item. There will be no change to the telecommuting policy.

PEF's Response: PEF continues to encourage Management to allow liberal discretion for extra telecommuting days to employees who are COVID positive.

Action Item:

4. Agenda Item – Reasonable Accommodation (RA) Process

New Business Old Business

Description: PEF offered up Labor assistance to Management to discuss and creating information simplifying the RA process. As an action item, Management was going to work with Labor to create an FAQ document for the process and place it on the Intranet. Labor and Management have had subsequent discussions on this topic since the June 18th meeting, but nothing has been scheduled yet to discuss next steps. When can we expect Management to collaborate with PEF on this?

Response: Labor and Management met on October 10, 2024, to discuss the Reasonable Accommodation process and see what improvements could be made for applicants to gain a clearer understanding of how the process works and will continue to meet as needed.

Action Item: Management and Labor will work on developing a Frequently asked Questions document to be placed on OTDA's intranet. Management will also review correspondence that goes to applicants to see if improvements can be made on providing clearer/plain language.

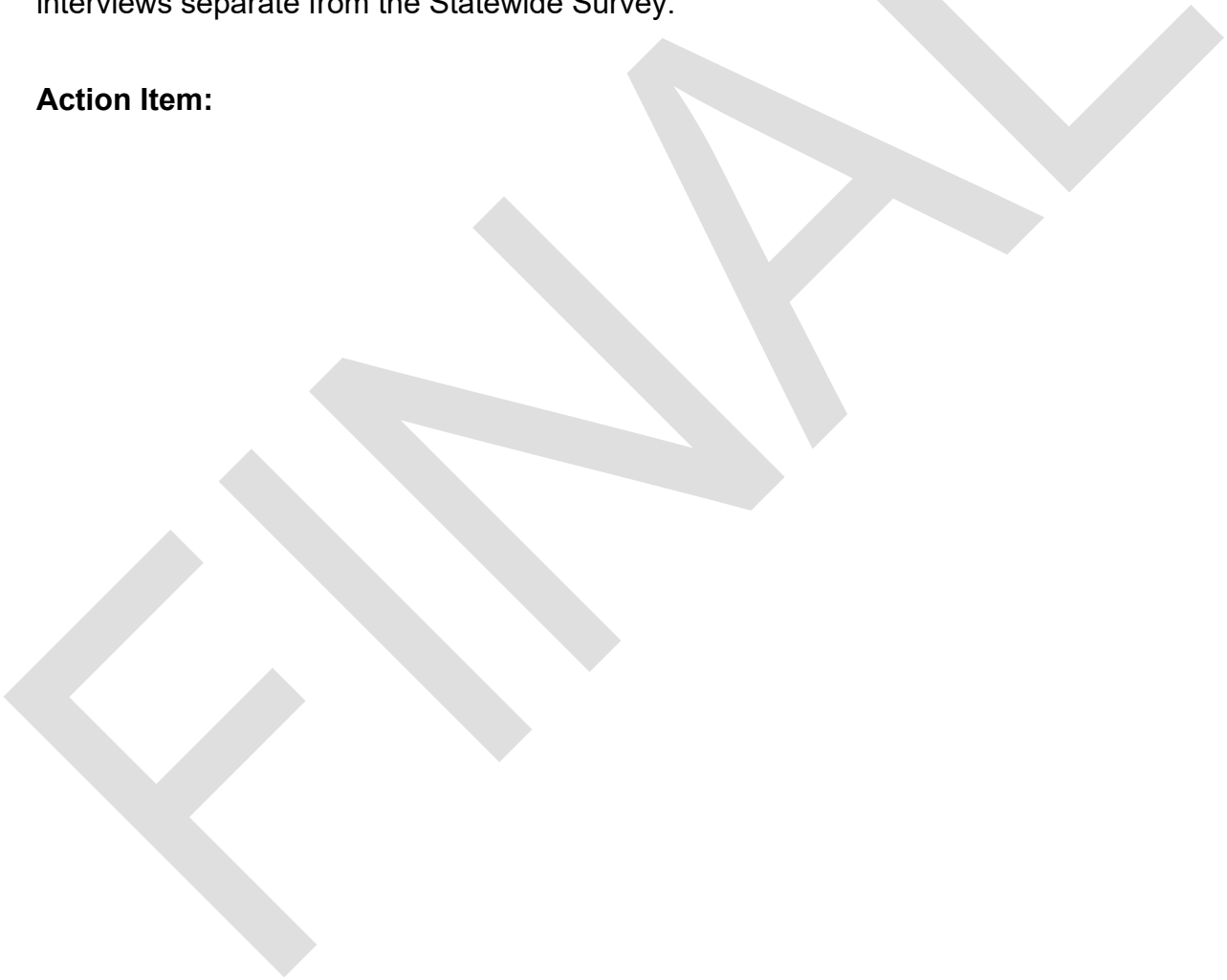
5. Agenda Item – Exit Interviews

New Business Old Business

Description: With so many leaving the Agency, PEF requests that exit interviews be scheduled with all employees leaving OTDA. Labor would like to see this information recorded and tracked so the data can be analyzed, and everyone can work harder on retention. What progress has Management made with scheduling exit interviews?

Response: An Exit Survey document is in process – Management expects to have it implemented by the next SWLM Meeting. Management will share the survey questions with PEF prior to implementation. Local Management is also encouraged to conduct their own exit interviews separate from the Statewide Survey.

Action Item:



6. Agenda Item – Interview Feedback

New Business Old Business

Description: At the last Labor Management meeting, it was discussed that Management would encourage those who are interviewing candidates for promotions to give better feedback on interviews. We also discussed improving feedback on evaluations. What progress has OTDA made with this, including what steps have been completed and what remains to be done at this time? What assistance can Labor provide to ensure that Management is working on these ideas?

Response: OTDA Management agrees with PEF and has communicated with Senior Staff on the matter. OTDA has asked for this issue to be discussed with their Program Management Staff to ensure it is communicated to all supervisory levels.

OTDA does not prohibit managers from providing feedback on interviews; rather, OTDA encourages feedback be given to staff.

Action Item:

7. Agenda Item – Supervisory/Management Communication

New Business Old Business

Description: Supervisors and managers have distinctive styles of communication. Depending on who your supervisor is could mean the difference between liking your job and not. Stress at work should be coming from your workload rather than your superior. There are members who have reported to Labor they are “working scared” because of their managers and supervisors. Labor would like to meet with Management to review the current OTDA Supervisory Training for ways to improve supervisory responsibilities, along with discussing improved communication from the top down. The complaints from members are increasing about lack of communication. Does Management look at how many subordinates leave supervisors/managers to see if a potential pattern exists? At times, members feel complaints that have been reported go unaddressed. What can Management do to address this?

Response: Management is open to discussing OTDA’s Supervisory training modules with Labor. The current modules do not focus on the soft skills and concentrates on HR policies and procedures. Labor shared several training modules focused on Leadership Training that would complement the OTDA Supervisory Training, so both would be encouraged.

Management does not currently have a report it can generate to see how many subordinates separate from particular supervisors. Management will discuss developing one, but it is important to note that staff separate for a variety of reasons.

Management will work on acknowledging receipt of complaints sooner. Several factors go into how complaints are investigated and the time to get them addressed.

Action Item:

8. Agenda Item – Improved Career Path

New Business Old Business

Description: A couple of years ago, Audit and Quality Improvement (A&QI) changed the title of several positions from Management Specialist (MS) 1 to Auditor 1. This has hindered a career path for many MS 1s to be promoted. To be in the Auditor title series, one must have 24 credits of accounting. We would like to see opportunities for MS 1s to be promoted. Therefore, Labor requests to include the postings for Auditor 2 to include all eligible on the Auditor 2 list or the MS 2 list with five years of experience in auditing? At the very least, it would be agreeable to have MS 1s be eligible to take the Auditor 2 promotion exam with five years of qualifying experience as an Auditor. Labor would like to see increased transferability/promotional opportunities for the Management Specialist 1 and Management Specialist 2 titles.

Response: Approximately ten percent of Management Specialist 1s and 2s were classified to Auditor 1s and 2s back in 2022 based on operational need to have staff perform work within the Audit Unit that have accounting backgrounds.

Management does not agree it has hindered the career for Management Specialist 1s. The 24 hours in accounting has always been the requirement in Auditor titles.

Recommended changes to the minimum qualifications for the Auditor 2 would have to be supported and put forth by Management within A&QI and be discussed as part of a scope conference with Civil Service during exam planning.

Increased transferability for the Management Specialists would also have to be supported and discussed with Human Resources before any requests are put forward to Civil Service for consideration.

PEF's Response: PEF disagrees with Management's response and encourages members to reach out to Civil Service Career Mobility or OTDA Human Resources regarding career path opportunities.

Action Item:

9. Agenda Item – OTDA DDD Hiring

New Business Old Business

Description: Currently, the Buffalo DDD office is sharing a Disability Determinations Program Manager (DDPM) with Manhattan since the retirement of the former DDPM in June. What is the status of posting this position? If there is no plan for posting of this position, is there expected opportunities for other administrative positions? Labor stresses the need for more first-level supervisors and managers to help Disability Analyst 2s.

Response: Subsequent to this agenda item being prepared, the Disability Determinations Program Manager position was posted. Applications are currently being reviewed.

Action Item: More will be discussed in the next Statewide DDD meeting on November 19, 2024.

10. Agenda Item – Call-in Procedures

New Business Old Business

Description: Call in procedures per *OTDA APPM Chapter 1: Section 15 Sick Leave – III. Policy B. Using Sick Leave Credits* require employees absent on sick leave to notify their supervisors within two hours after the beginning of the first day of such absence except where the employee has advised the supervisor that the absence will be of a longer duration than one day. An employee is required to speak to their supervisor if ill and unable to report for work. If the supervisor is unavailable, the employee should call back or speak to the next level supervisor or other alternate staff member, if the center/division has designated another staff member. This notification must be made within two hours of the employee's normal reporting time. A message left on voicemail is not valid notification.

There have been several instances where multiple calls to multiple 2nd line supervisors, front office local staff and calling Albany OTDA Bureau of Human Resources (BHR) have resulted in no human contact. In this technologically advanced society, Labor believes that alternatives should be available, and an update to policy created. Ideas up to and including additional technologies such as text confirmation, email confirmation or a site to call-in to. At what point can a person provide proof that due diligence was taken in attempts to reach a person to call-in, especially when ill and/or requiring medical attention?

Response: OTDA Management will be discussing the policy internally to see what, if any, changes can be made. Management will also discuss the two-hour requirement with Civil Service Time and Attendance Unit. Medical Emergencies are given consideration in the call-in procedure.

Action Item:

Informational Items/ Accomplishments

Employee Assistance Program (EAP) Coordinators have been appointed to Downstate positions. April Moore who works in the Division of Shelter Oversight and Compliance will cover 317 Lenox Avenue in Harlem and Tawanna Gilford from the Division of Disability Determinations will cover both 5 and 25 Beaver Street locations in NYC. Both Labor and Management want to extend their appreciation to April and Tawanna for taking on these very important roles.

Next Meeting/Date & Place

OTDA, 40 North Pearl Street, Albany NY

- January 9, 2025
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The following individuals were present at the OTDA PEF Labor Management Meeting held on October 8, 2024.

Labor

Carl Anderson (REMOTE)
Leslie Apacible
Pam August
Jennifer Dickerson
Bruce Giddings
Germaine Greco
Peter Maurer
Jill Poeller
Chelsea Propati
Martin Robinson
Scott Staub
Ryan Stoliker

Management

Donnovan Beckford
Rajni Chawla
Barbara C. Guinn
Kadijah Jenkins
Christian Mullin
Tiffinay Rutnik
Jim Ryan
Eric Schwenzfeier
Samuel Spitzberg
Jared Tallman
Kenneth Wells-Crannell