

**Statewide Labor Management Meeting between NYS Office of Mental Health
&
New York State Public Employees Federation AFL-CIO
August 29th, 2024**

PEF Representatives Present

See sign-in sheets

NYS OMH Representative Present

See sign-in sheets

Preapproved Ground Rules

- Agenda items shall be exchanged at least (2) weeks prior to the date of meeting and shall include a synopsis of the issue at hand as well as a proposed solution.
- Upon mutual consent items on the agenda may be tabled to the "Parking Lot" for discussion at a later date.
- The duration of the meeting shall be (3) hours
- Timeframes shall be established for addressing applicable agenda items
- Monthly meetings shall be held for information exchange
- Exchanging and approving minutes from the prior Statewide Labor Management Meeting will be a standing first item on each new agenda

Meeting Introductions:

Welcoming Chris Moreau and Al Famularo to the Committee.

Old Business

1. PEF requests any available updates on the Social Worker Civil Service Title Description.

A. PEF requests any updates on when member can expect to see the salary increase take effect.

B. PEF requests clarification on whether salary increases will be retroactive, and if so – when?

Agency Response to 1.A:

Some of it has been done. Some of it is still waiting to be effectuated. Management cannot provide an exact timeline as to when all will take effect.

- Reallocations have already happened for LSW titles.
- Management is still waiting for the establishment of new titles:
 - OMH believed that they'd have guidance on LCSW titles by now but still waiting.
 - Management agrees with PEF, this process is taking too long.
 - Mgmt. is waiting on Master Prepared Social Worker Grade 18.
 - Not able to start using them due to a mechanics issue on NY Helps
- Expect it to be a permanent non-competitive title under Helps:
 - Waiting on division of classification and compensation, and staffing services
 - "C" – If someone has a "C", they'll be a "C", subject to availability of positions.
 - Of about 500 positions (850-900 social workers possess the "C")
 - Consolidation of these titles will occur automatically.
- Management doesn't see the value in requiring someone who is already employed to take an exam when they have the proven qualifications to be promoted/re-titled.
- Hope in the future to have PR50 approved that would allow people to advance through the Social Work Series (skipping over bureaucratic processes)
 - Mandatory Advance method already being used with teachers and some nurses so it's possible, but not certain.
- Typically, OMH communicates the announcement of new titles to HR staff & Executive Staff
 - This is not something that would be shared with every social worker individually.
- Management will clearly explain the vision to appoint everyone with the "C".
 - They don't want to force facilities to make these decisions.
 - OMH will not allow facilities to roll out the title sooner than others.

Agency Response to 1.B:

Management does not believe Salary Increases will be retroactive.

- Management will need an Appointment System to help:
 - Without an exam or a transfer availability OMH needs classification through CS to make the appointment.
 - For Salary Increases to be retroactive, CS would insist it happen on the same day for everyone when LCSW get their new title.

Shift pay differentials are effective back to May 30, 2024, however management is not sure if payroll office has put into effect of if anyone has been receiving it.

Follow-Up Questions:

- a) Is the Evening Shift defined as 4PM-11PM?
- b) Will Mid-Shift Social Workers receive Evening Pay? (What hours define Evening Pay?)
- c) Some titles used to require a minimum of 4 hours to be paid for the shift – is that still true?
 - Changes to the law and interpretation of new language would be helpful for members.

Agency Responses to Follow-Up:

- a) Evening Shifts range dependent on the organization, but generally speaking, those hours start between 3PM - 4PM and end between 11PM - 12AM.
- b) Management welcomes specific Social Work Mid-Shift scheduling situations to be brought to their attention for evaluation on a case-by-case basis.
- c) Management will take this into consideration; do some "HW" and get back to PEF.

2. PEF has continued concerns regarding unsafe short staffing in inpatient (*Nursing, Social Workers, Psychologists, Rehabilitation, Recreation, Occupational therapist, Physical therapists, Dietitians, etc.*) and outpatient settings (*Social Workers, Psychologists, Nurses, etc.*). Fears over caseload size, and mounting responsibilities across all titles (due to lack of staffing) persist, and in many instances is untenable. PEF is apprehensive that lack of staffing resources will inevitably lead to diminished quality of service in the workplace. As such, PEF requests quarterly staffing updates for all worksites that shall include

- A. Name of worksite
- B. Budgeted Fill Levels for each worksite
- C. Current staffing level for each worksite
- D. Current vacancies for each worksite / statewide
- E. Special plans or initiatives for recruitment or expansion

Agency Response to 2.A, 2.B & 2.C:

Management attempted to draft some charts, but it is challenging to do accurately on a SW level. However, if we split off into individual facilities to discuss what titles they are looking to have filled, it would be a much more productive way to gather this information.

In order to provide accurate findings, Management asks for specific facilities in question.

Agency Response to Vacancies (2.D):

Management has vacancy numbers to present however it is important to note the following include individuals who are on leave and thus inaccurate in identifying staffing vacancies that need to be filled.

- OMH has 24000 positions
- OMH is not authorized to fill 24000 FTE's, not all positions are funded.
 - o Some of the 24000 titles are "semi-interchangeable" and do not need to be filled.
 - o Depending on the program or the particular market conditions, 10 CS approved, vacant titles could be applicable to fill one funded vacancy.

Action Item:

PEF – Meet with local HR for lists of all vacant PEF positions and duration of each vacancy (if available).

Agency Response to 2.E:

If PEF wants to partner on recruitment, Management will welcome that.

- Recruitment Fairs (8 or 9 planned over the next 6 weeks)
 - o Moving forward, Mgmt. will communicate with PEF as to when Job Fairs are active.
 - o When OMH is at a job fair doing statewide recruitment, they are also inviting local facilities to participate and represent the local availability and facility specifics.
 - o Since travel is involved, schedules are planned far in advance by management, and can be shared with PEF so there is time to coordinate and collaborate.

Action Item:

Management will provide Demo of what they show the potential candidates at recruitment sites.

Follow-Up Questions:

- a) A trend we've noticed on nightshifts throughout the state, is that there are only one nurse on the overnight. This means, they aren't taking breaks since they're the only nurse on the floor. Compared to the day shift, where there are predominantly 2 or more nurses per shift.
 - One protest was a pregnant woman, alone on a night shift with "Angry Men".
 - There should always be a minimum of 2 overnight nurses for safety.
- b) Are there extra staff – people who are assigned as Floaters to be used when needed?
- c) What if the one shift nurse is, by facility standard, unable to perform task required?
 - i.e. Pilgrim In-Patient Facility: 100 nursing items, where LPN's are counted as RN's but, LPN's cannot perform all duties of an RN (certain documentation).

Agency Response to Follow-Up:

- a) Overnight staffing numbers at each facility are something to keep an eye on. Management will not run a program without adequate staff, "No Nurse, No Program".
- b) Some facilities do use flow pools, some do not.
 - Employees will bid out of flowpools as soon as possible, so these pools will end up being populated by the "least experienced" staff – which is the opposite of an effective flow
 - There is no standard set by the state, each facility has their own process and organizational culture
- c) Management will re-evaluate the facility-specific issue and check how those items are counted.

Action Item:

PEF – ask facilities what staff they're having trouble with, issues staffing, etc.... at local LM Meetings.

Management does not want all issues to cycle up to central office.

Local committees should first discuss, and if necessary, bring information to the SW level.

3. PEF requests an update on how many appointments have been made via HELPS.

- A. Does HELPS appear to be working for the agency?**
- B. Any bottlenecking at HR or elsewhere?**
- C. How many HELPS employees have left service already?**

Agency Response to 3.A:

Yes, there was a 600+ net difference of FTE's compared to 2023 (including retirees and the conversion of some Contract workers). The NYS HELPS program clearly has something to do with that.

Agency Response to 3.B:

There are a lot of things contributing to the increase in recruitment including recent contract negotiation and salary enhancements.

When recruiting HR has to consider internal promotional lists, canvas lists etc.... There are "lots of hurdles and speedbumps" HR must go through to prove significant need to CS before a new title can be made.

Action Item (3.C):

Management will share a document with PEF that has details on the HELPS numbers requested.

Follow-Up Question:

What is the process for announcing these positions?

Management Response to Follow-Up:

Entry level open competitive titles are posted on Linked in, indeed, NYS Jobs and on the OMH portal. They are posted and promoted on various channels. The positions posted are not taking promotions away from anyone as these titles are exclusively entry level.

- Any specific concerns can be brought up to management, but they are confident that all open positions have been publicly posted. Want to bring more people in to expand the bottom line.
- These HELPS positions are also being used in some places to convert Contract Staff to Full Time State Staff (Rocester, Hutchings, etc....)

HR Management has been widely promoting every HELPS job posted with the hope of bringing as many people off the street and onto the state payroll as possible.

4. PEF requests any available updates on the NP extra service and retro calculations.

Agency Response:

Management wants to be sure people aren't over or underpaid.

An anticipated 2000 of the 16000 record audits will be processed during the month of September.

Management hopes payment will be available in October but need to first coordinate with OSC and other State Agencies – they will pay as many people as quickly as they can.

Action Item:

Management will share information as soon as they have it so PEF can get it out to their members.

5. PEF requests that consideration for teachers and others to receive the Healthcare Worker Bonus be re-evaluated.

Agency Response:

Management provided every facility a list of employees who were included in the vesting period.

Management acknowledges union's efforts. Would like to remove this from agenda.

6. PEF contends that continued diminishment of Physical Therapists throughout the needs to be addressed. Often, multiple staff members are required to transport patients to out-patient providers rather than being seen by an in-house Physical Therapist. This creates an undue burden on facility staffing.

Agency Response:

This is not just a staffing issue, but a space issue. PT's were reduced to just doing bedside care and didn't have enough workload to be full time.

Management would like to remove this from the agenda as there is nothing more they can say or do on the subject at this time.

New Business

7. Are there any special / desired projects for which PEF can advocate for funding? PEF has been successful in steering funding with our, “Fund Our Future” campaign.

“Fund Our Future: A program to re-fortify previously removed titles – looking to bring back those numbers.”

Agency Response:

Management wants to expand the OMH footprint but cannot be part of PEF’s political lobbying or involved in a program that publicly critiques OMH/NYS government.

In the future, OMH would be willing to collaborate and have their table next to the “Fund Our Future” table at the NY State fair. They also offered to hand out PEF swag and/or information when recruiting in a traditional sense.

8. PEF requests to reengage in a concerted effort to create a telecommuting pilot program for OMH, presumably through a small subcommittee, and wishes to hold the first meeting no later than October 25th, 2024.

Agency Response:

Management has been extremely specific on what they need to move forward:

- Need PEF’s proposal on which facility to conduct the pilot, titles to participate in pilot and parameters of the pilot. (What would it look like?)
- Need a plan that considers statewide solutions if a patient shows up in crisis.
- Management is expressing concerns with telecommuting plan:
 - How to ensure that if one person is telecommuting, another on-site worker isn’t picking up extra work to cover?
 - How to prevent jealousy if only some facilities/employees are telecommuting?
- Management needs to find a way to balance the benefits of what telecommuting would look like before they can bring it up to their principles.
 - Consider setting vs title specifics – i.e. in-patient vs. outpatient work schedules.
→ What will the rules and standards be for those alternative work schedules?

Management is open to the idea but needs more from PEF to push.

9. PEF requests an update on the MHARS overhaul.

Agency Response:

OMH is looking to move to an electronic health system. MHARS is 25 years old with 114 sub programs that are no longer supported by modern technology.

Management is in discussions with one system and hoping to sign a contract within the next couple of years.

- Currently there is one top runner’ EHR management is considering but they are unable to share any additional information without a signed contract.
- The tentative timeline to implement a new statewide system is sometime between late 2025 and 2028.

Action Item:

As soon as a new EHR Program has been approved and agreed on and a contract has been signed, management will share that information with PEF.

10. PEF requests an update on the statewide covid numbers – highlighting any worksites of concern.

Agency Response:

Difficult to provide on a SW level as it varies on a facility basis – management suggests discussing with Health and Safety at a local level.

The Governor's covid memo did not affect medical workers.

- Specifically, COVID Leave, is still available to hospitals:

Individuals are allowed 3 instances up to 10 days per instance to use as COVID Leave.

- That does not translate to employees having a 30-day COVID bank.
 - If only 4 of the 10 days are used in one COVID Leave instance, the 6 unused days will not carry over.

11. PEF requests an update on the hiring of teachers via vendor to fill the staffing deficit in the Bronx.

Agency Response:

The Bronx has been having a hard time recruiting teachers.

- Management will confer with Queens, where there has been more success.

One returning teacher at the Bronx location has a start date early September 2024.

OMH is proactively reaching out to candidates who were already teachers in the area and are in the process of hiring more teachers from this pool of candidates.

- Despite salary and population concerns, OMH received a lot of positive feedback and interest from teachers.
- Management will need to look into whether those hires are for the Queens facility or Bronx Children's PC.

Teachers had been put aside as OMH focused on salary enhancements for social workers. They have done their diligence in regard to transitioning that focus to teachers.

- It's a matter of first wrapping up the LCSW titles.
- Even though a package for teachers was previously approved – they need to continue their focus on finishing the changes being made for Social Workers prior to re-addressing the teachers.
- Management intends on budgeting an increase for teachers when planning their 2025 budget.

Management Originally proposed 2 grade salary reallocations – particularly in large urban school districts (i.e. Rochester, Albany and NYC) while concurrently running efforts for structure changes, shift changes, etc...

OMH is not the largest employer of teachers, so reallocation would likely need to come from elsewhere. In June/July 2024, OMH spoke with sister agencies to confirm they are all on the same page.

- Perusing an IM for teachers (mechanism for hard to recruit titles that would account for additional pay if an overly qualified applicant were available to fill a title).
- It is routine business for HR and Management to negotiate salary based off a review of applicants' qualifications
 - A previous and robust discussion on this topic resulted in a reminder being sent to all facilities on how to follow and abide by this process.

12. PEF requests an update on the Workplace Violence Forms that identify Bargaining Unit affiliation.

Agency Response:

WPV and Incident Reporting Forms have recently been updated. It should now be very clear that when WPV is apparent a WPV form needs to be filed out.

When reviewing WPV's, Management tracks the members title not their negotiating unit.

There is nothing preventing a victim or witness of WPV from speaking up. If they are unaware who they should report to, each facility should have a WPV Liaison identified and posted in an easily accessible area.

- If PEF asks for SH900 from local HR, they should be given those forms

Management discloses new appointments to PEF monthly so they are up to date on who the contact person would be.

13. PEF requests an update on the Anti-Bullying Policy out of Rochester PC.

Agency Response:

Currently, and for several reasons, this topic is not appropriate to discuss in such a large setting.

The current Draft Anti-Bullying policy needs to be scrapped and re-started.

Management agrees to schedule a private, sidebar conversation with Chris and AI to discuss further.

14. PEF requests a breakdown of statewide Probationary Terminations in the nursing realm.

PEF's intention is not to get involved with termination decisions; but to gain insight on the probationary-termination process and its regulation among various OMH facilities.

Agency Response:

Management dedicates so much effort into recruiting, hiring and placing individuals; they are not looking to just hire, fire and release employees.

Management is aware of a few agencies that are a little quicker to pull the trigger on Pro/Term. Management is also aware of facilities that have a higher turnover overall.

In an instance where something has clearly gone off the rails, Management will try to mitigate the situation from the bottom up:

- If someone notices an uptick in turnover, they should first address it at their local LM meeting.
- If concern of unwarranted probations and/or terminations cannot be settled at the local level, then it should be presented to Central Office.
- Once the conversation is brought up to the SW level, it is clear something more is going on. and steps will be taken to investigate.

Action Item:

PEF will notify management of specific providers/facilities of concern and/or who would be relevant to the discussion on a SW level.

Follow-Up Question:

Has there ever been a 'transplant program' when people are being considered for termination?

Agency Response to Follow-Up:

OMH doesn't do this all the time, but they will, and do whenever possible.

Typically, if an employee is put into a secondary probationary period, they are assigned to a different supervisor.

15. PEF requests to continue dialogue regarding the expansion of ACT/CTI teams and the use of NFP's and OMH-funded organizations for this purpose.

Agency Response:

Over the last few years, there have been a huge investment in mental health programs:

- ACT is a new program to OMH.
 - o OMH is adding an ACT team in Manhattan
(in addition to however many ACT teams they already have, if any)
- CTI program (particularly RTF) is a new service for OMH
- Rochester is expanding their MIT (Mobile Integration Team)

Follow-Up Question:

Are there plans to expand or bring ACT teams to any other facilities?

Agency Response to Follow-Up:

Not at this time, but Management will follow up once they know more.

Action Item:

Management will see if they can get a comprehensive list of Community Programs to PEF.

16. PEF would like to know what the agency will be looking for in the FY2026 Budget.

Agency Response:

Management is in the process of planning. At this time, they are not sure of what the budget will look like for. As they get closer, OMH will send out a call letter to follow the governor's lead.

Action Item:

Management will share budget updates when available.

Non-Agenda Items:

Nursing Development Program (NDP):

A. How to apply for the NDP?

B. How do they determine how many people they will accept into NDP?

Agency Response:

"The OMH Nurse Development Program (NDP) offers tuition reimbursement to eligible OMH employees interested in advancing their nursing education and credentials; subject to available funding. NDP funds can be used to pursue Board Certification or advanced nursing degrees at the Bachelors, Masters, and Doctoral levels as well as Nurse Practitioner degrees." -omh.ny.gov

Maxine's office reviews NDP applications. (see action item)

Management does what they can to make members aware of programs available to assist in this process.

Nurses hired after 2017, without a bachelor's degree need to continue their education before 2027.
→ The window for continued education will close in 2027.

Management is interested in the idea of establishing a Sub-Committee of Nurses; however, it is not feasible at the current time.

Action Items:

1. Management will share the requirements for NDP applications and qualifications for acceptance with PEF so they are aware and can share that information with interested members.
2. PEF discuss additional ways to make members aware of 2027 deadline, so they have enough time to participate and complete their degree(s).
3. PEF recently doubled their tuition reimbursement and needs to campaign for member awareness.

Closing Remarks:

OMH CO Management is grateful for the level and type of communication they have had with PEF over the past couple of months. They are really excited about the direction this committee seems to be moving and look forward to continually progressing together.

Next SW OMH LM Meeting: December 12, 2024, at PEF headquarters 9am-12PM

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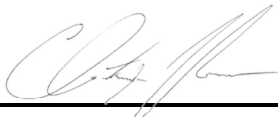
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