

**Statewide Labor Management Meeting between NYS Office of Mental Health
&
New York State Public Employees Federation AFL-CIO
44 Holland Ave, Albany, NY
December 12, 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

Agenda Items:

1. Non-Medical Marijuana and Alcohol
2. Transitional Housing Issues
3. Vacancy & Salary Enhancement Announcements
4. Physical Therapy
5. LCSW Update
6. Safety
7. Teacher Update
8. "RN in 10" Law/Initiative
9. Healthcare Worker Update
10. Critical Staffing
11. Pay Differentials
12. AOC Compensation
13. Academic / Salary Inequities
14. Section 72, Right to Appeal
15. Workers Compensation Coverage
16. ACT Update
17. SW LM Schedule Planning

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- 1. Non-Medical Marijuana and Alcohol** – PEF requests a single universal policy regarding the usage and possession of non-medical marijuana and alcohol, that's applicable to all transitional housing under the Agency's supervision.

Agency Response:

This agenda item came up and was discussed in depth at the last Health and Safety (H&S) Committee meeting.

We discussed the risk that non-medical marijuana presents.

We plan to meet for health and safety in a month (if proposed date is confirmed by PEF).

We do not have our Director or Assistant Director of Health and Safety here.

Management does not feel it would be productive to have this conversation today without input from the people who would be able to make those decisions.

Management would prefer to keep this item at the H&S Committee meetings. Al Famularo and any other E-Board Reps. experiencing issues at their agencies are welcome to attend.

Action Item:

Add this agenda item to the agenda of next Health & Safety Meeting.

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2. Transitional Housing Issues – With the news of agencies being asked to maintain their budgets in the coming fiscal year, PEF would like to see the agency make efforts to recoup perceived losses in the Transitional Housing arena:

- a. How does the agency verify employment of clients receiving a Personal Needs Allowance (“PNA”)? As clients that present paystubs, and those that don’t, both seem to be afforded the benefit. (If a client is working and it is not reported, they still get P&A)
- b. PEF would like to know if the agency has a mechanism in place for ‘Patient Resources’ to recoup losses secondary to clients receiving both PNA benefits as well as SSI benefits.
- c. Would the Agency consider an ‘reset’ of sorts, with the goal of placing a further emphasis on curbing abuse of the system – in hopes of being able to reinvest found funds back into the agency budget.

Agency Response:

Before responding to this agenda item, Management needed to deep dive into this. The takeaway was, if PEF has specific items they would like us to look into, we will do.

- It is really not financially practical to look into these.
- The actual number is less than 3/1000ths of 1%; this is not a number that is going to move the needle on anything.
- The amount of time we would spend doing a broad brush looking at this PNA would cost more than it would gain given the tiny % of the overall budget.

There is a robust process by patient resources that should be taking place, so residents know what they need to report; and in Medicaid’s perspective, they have the accessibility to report. If that robust process is missing or not working, there are different conversations to be had.

PEF Follow-Up:

The biggest concern is for this to be a disincentive for people to leave. If the goal of transitional housing is supposed to be transitional, why would someone move if they are, “*making all this money and don’t have to pay rent*”.

Agency Response to Follow Up:

Management addresses that the financial benefit may be a factor to some, however there are far more significant driving forces behind placing people and keeping residents in these homes.

We can take this back to our folks who oversee the P&O and follow up on specific examples.

From our budget perspective, even if this was going to be a significant investment, this would not transfer over to the availability of funds through the Division of State Operations.

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- 3. Vacancy & Salary Enhancement Announcements** – PEF requests that the agency repost all vacancies that have since seen salary enhancement announcements (OT-PT-Speech Titles etc.), as these titles are now more competitive from a salary perspective, and we want to ensure the vacancy postings highlight that.

Agency Response:

As a standard practice, Management has to reissue postings with new titles, new salary grades, etc. 57 impacted active employees:

- All 57 will receive geographic pay differentials, that was done this last pay period
 - o Due to a lag that payroll is already working on, 18 will receive payment 2 weeks later.
- 45 of the 57 employees moving up 2 salary grades (were reallocated) There were just a couple of titles that remain (the 18's and 20's)
- The other 12 employees remained at the salary grade they were in (Occupational Therapist 2 and Physical Therapist 2) titles changed but salary grade remain the same.

It is a manual process, very old fashioned which is why it feels like it takes a long time

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- 4. Physical Therapy** – PEF requests that the agency stop contracting out Physical Therapy Services.
- a. These contracts are extremely costly.
 - b. In many instances the providers are only providing part-time services and an exorbitant rate, and in most cases, to a group of patients – rather than providing individualized care.

Agency Response:

This was an agenda item at our last meeting that we agreed to remove from the agenda.

What new information dose PEF Have?

PEF Response:

That was a different track, we were talking about vacancies – this is about contracts and how they are exorbitant and not useful.

Agency Response:

If we are not doing this work in-house and the work needs to be done, obviously we will need to contract the services out.

A lot of our facilities don't have Physical Therapists (PTs) because we don't have the space for Physical Therapy. Previously, PTs were left doing work bedside; and other patients who needed more space/equipment were already being sent elsewhere to receive those services.

It isn't the amount of work to be done or the salary grade increase – we physically don't have the space available.

We are looking to downgrade our dependance and reliance on contracted services.

- If there is a facility that has the space and needs those services – yes, management will re-post those positions.
 - o Just this week, there was a request from one facility to have a contracted Physical Therapy service moved to a full-time position (believe it was Almirah or Mohawk).
- Management doesn't want it to be misunderstood that the base salary is significantly less than the cost of contracting the service.
 - o All the included costs i.e. paid leave, retirement, vison and dental; all of that adds up.

Action Item:

Management will get back to PEF On the upstate facility that did submit a request for a full time PT.

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- 5. LCSW Update** – PEF requests an update on the new LCSW Title rollout. Membership is rightfully agitated at the fact that the other titles have realized their salary enhancements, but the agency has yet to produce even a tentative timeline on the new title.
- a. Where is the gridlock? DOB? Civil Service?

Agency Response:

Previously, we hadn't had standards for classifying or appointing LCSW. Since the last meeting, the class standard has since been released by CS.

- We have to release organizational charts for all positions we are looking to classify.
 - o There are 5 remaining facilities to be classified.

The plan is for all facilities have one cover date; we don't want to do multiple postings that would confuse anyone.

Doing a title structure change would have allowed this process to be done behind the scenes.

Unfortunately, this is not in our control so we cannot provide a timeline presently.

- The appointments would go from our office to CS to DOB and the final wave submitted is waiting for DOB.
- 20 out of 25 have been approved but we can't make appointments until all facilities have been approved; it is just a matter of time.

Management feels they have been transparent about this process. Fingers crossed; we will be there soon. The hope is that this won't be a continued issue.

Employees will have to accept their appointment and will maintain a hold on their position.

- Every LMSW who has an LCSW will receive something that says, "We have an intent to appoint you, do you accept this"?
- This is probably one of the benefits of not having the restructuring happen first.
 - o This appointment process will allow members to make the choice.

PEF Follow-Up:

"Don't point the finger at CS, if there is someone we can pry, we will."

Agency Response:

Since we're talking about that, I'm seeing a lot about salary enhancements on the agenda.

- I don't want anyone to walk away thinking salary enhancements will be approved immediately.
- The pace of these enhancements in the past few years has been extraordinary.
 - o I know the frustration that exists, but it is moving relatively quickly.

Management has flagged this as a priority with DOB – it is in the final steps for these last handful of facilities.

- Just met this past Tuesday and this was at the top of the list.
- Management is advocating as strongly as they can.

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5. LCSW Update – Continued...

Additional Follow Up Questions:

- a. If there are 25 LCSW in a facility will all 25 be appointed?
- b. What will the new title process look like?

Agency Response:

- Subject to the persons desire to forfeit overtime, they will all be given the option.
- Management hopes this will become a career ladder to make this appointment process open to all.
 - o The goal would be to have all social workers get the “C”.
 - o If you get the “C” you automatically move up.
 - o We really value this credential. We want people to be seasoned
- Management asked for more positions than they have people and intends on hiring more LCSW after the fact.
 - o We reached out to each facility and asked: How many more would benefit your facility?
 - o We don't plan to appoint anyone off the street as an LCSW before we appoint our own.
- Management will reach out PEF Labor as to what the appointment process will look like.
 - o We still don't have positions to appoint people to today.
 - o We think if you possess the credential, you should at least be offered the opportunity.

Social workers who have their masters, have a grade 18 they can move into and remain in that grade 18 indefinitely it is.

- The new title works almost like a traineeship: for recent graduate of an MSW program to be promoted to Grade 18 level while they are preparing to take their LCSW.
 - o Once they show they have completed LCSW, they will automatically be promoted.

In the previous process, at the end of 2 years, it's up or out.

- You either advance or you are terminated.
- New title doesn't quite work that way, you can hypothetically sit in it for a longer period of time; but that wasn't why it was created.

Mechanically it works better, applicable members can advance without taking a test, without needing to provide additional approval; they just need proof of a successfully completed degree.

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- 6. Safety** – PEF requests Hazard Pay for select titles as well as additional safety initiatives:
- a. Body Scanners at its facilities.

Agency Response:

We all need to work together to make people feel safer, but I want to draw a line between feelings of safety and actual numbers.

- Occupational injury data indicates that working in a clinic carries far less risk than working in a forensic setting.

The health & safety committee has those numbers (ARS data, numbers, descriptions of what the incidents are, etc.).

- Now we can break it down to the granular level to see what the issues are and do site reviews based on that data

We have a data review meeting with all 3 unions.

- If you're ever interested to come to our H&S meetings, we would like to invite you there!
- We meet every other month.

PEF Follow-Up:

Darlene Williams – I've been to so many of the facilities, do you know how many people don't report? We found out there are so many people who don't report.

We are still waiting on South Beach – only 2 reported but the local news tipped us off to additional incidents and concerns.

Agency Response to PEF Follow-Up:

Even if all facilities are not reporting 25%, the facilities who still have higher numbers, would still have higher numbers.

Management is candid about where we are spotting issues and providing potential solutions in order to make your members feel safer.

Health & Safety meetings and Data Review Meetings are open to members of this LM team.

- Will be in Manhattan in early 2025 and Bryce welcomes Darlene to join them on the walk-throughs.
 - o Before we walk around with management, we invite the unions to meet with us and speak on issues prior to walking around with facility management.
 - o We do not walk around with unions as we want local management to be as candid as possible.

Agency Response to 6.a:

We cannot say if Management will support PEF on their legislative agenda at this time.

We need to bring this conversation over to our Health & Safety meeting.

Action Item:

Management to loop AI into Health & Safety email thread so PEF Labor is aware of Site Visit schedules so PEF may send a representative.

Management to add Body Scanner Legislation discussion to their next H&S Meeting Agenda.

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7. Teacher Update – PEF requests an update as to where the agency currently stands with salary enhancements for teachers.

Agency Response:

None of these things happen overnight and Management doesn't want anyone to get their hopes up.

- We have been talking about social workers for the last 3.5 years and we are still working on it.
- It is on our list along with a bunch of other titles; but I think given the feedback we are getting from social workers; management doesn't expect anything happen quickly.
- We are doing our due diligence when it comes to recruitment and retention, but there are financial impacts on the other agencies.
 - o We are not the biggest user of teachers in the state (we are the 3rd) so, this is one topic we have to coordinate with other agencies and ensure whatever we decide to do fits the budget.

Kingsboro is the only facility without a teacher right now. All other facilities have teachers, children's facilities have many teachers.

Teachers are among the critical titles to run our facilities.

- The point is these enhancement proposals take a lot of time and we need the accommodation of a lot of stakeholders (including the state, other agencies, etc.)

"We have done our diligence, but these things take a lot of time. Teachers are critical to our operation. Management is only trying to temper expectations."

Action Item:

PEF to reach out to other Agencies, OCFS & DOCCS to see where they are in this effort.

PEF Follow-Up:

Is it possible that locally, can they ask for a study for a geographic differential?

Agency Response:

Management can't offer that on their own.

We have done a great deal of collecting information on teacher salaries. I think it would be more helpful if your facilities could send that information to Bryce.

- We aren't the principal user of teachers, so we need to coordinate operationally and financially with the other NY State Agencies.

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- 8. “RN in 10” Law/Initiative** – PEF requests a renewed and collaborative effort to educate our members on the “RN in 10” law/initiative. Our leaders are routinely running into members who are unaware of the legislation and the impact it may have on them.

Agency Response:

Chris and Bryce have had many productive conversations on this.

Bryce did get a list of everyone that might fall under this. Heather has graciously offered to assist, and PEF has agreed to send out their own messaging.

If we could send things out on the same day or in the same week, hopefully everyone would see a great partnership between both sides of the table and reach as many members as possible.

Action Item:

Management will meet with Chris separately to discuss.

Bryce to send a list to PEF Labor, so they are aware of what facilities might need more conversations than others.

- 9. Healthcare Worker Update** – PEF requests an update on when the Health Care Worker Bonus for the 5th payment period. PEF also requests explanation as to why OMH is lagging the other agencies with processing these payments.

Agency Response:

A couple things in the vesting period were paid at the end of November.

- Some individuals were overpaid, and some were not paid due to technical issues we do not have the capacity to explain.

We have 14000 employees at any given time, and we must look at every single individual.

- It takes time and requires the same people to do manual work → errors are sometimes made.
 - o We are trying to get the issues fixed so we can put a bow on this.
 - o Reflecting back on administering the program, there are things I wish we would have changed to make it more beneficial to all.
- We hope the last vesting period to wrap this up will be in the next quarter, before the next meeting. OMH will get Chris a timeline.

Action Item:

OMH to send Chris Moreau an updated timeline on payments.

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10. Critical Staffing –

- a. PEF requests that the agency address mismanagement of MHTA's at numerous facilities; specifically, but not limited to Binghamton and Buffalo.
- b. Nurses across the state are not being relieved for meal breaks and receiving administrative blow-back when trying to get paid for working through them.
- c. PEF requests that nurses not be considered in core-staffing totals
- d. PEF nurses are not afforded the same financial incentives when assigned to 'enhanced observation posts' as are contract nurses.
- e. PEF member in several titles are being counted in core staffing totals: Admin/HR, Rehab Staff, Rec Staff, Teachers. This is happening often, and staff is apprehensive about raising the issue with management (who is aware).
- f. Short staffing and multiple vacancies at several facilities is leading to burnout.

Agency Response:

Chris and Bryce had a discussion about the issue of nurses who weren't getting lunch or weren't having meal breaks.

- Any time that comes up, grieve it immediately at a Step 2 and CC Bryce.
- Once he has those grievances, we will be able to evaluate it, talk specifically to those facilities and have a better answer.

For the other titles of concern, I think the follow up is the same, we can follow up with a number of facilities (Rockland, Buffalo, etc.) to get a sense of how often this is happening so we can address it.

- Please share any information that you may have with Bryce that would be helpful for us to verify and follow up on whatever the issue is.

OMH is aware we don't have the staffing capacity – Management is concerned as well.

- We are trying to snap away all the issues to mitigate but are committed to continue our efforts.
- This is a requirement of our joint commission visit or CMS visit (both of which can happen at any time).

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11. Pay Differentials – PEF requests that members, forced to work weekends and hours outside their normal schedule, receive pay differentials, much like social workers.

Agency Response:

We need people to work on evenings and weekends, so we should be hiring people with that being their schedule.

- Under 130.6 of CS law, there are types of shift pay – the idea that we need people to work “off shifts” as part of their normal 40 is where we are.
- The shift differentials don’t historically distinguish between days of the week.
 - o “Other than a regular workday “is the way the language was originally written.
 - o Language was changed to hypothetically allow for it, and that is where we live today.
 - o Hypothetically we can draw a distinction between Tuesday evening and a Saturday evening; however, the payroll system doesn’t have an easy way to identify that.
 - Right now, we need to know where someone works, what shift, what day and then tie that to payroll. It is more complicated than it sounds.
- It is a relatively new concept (within the last 2 years) and as we mentioned, our information systems are 28 years old – this is something we would have to pitch to our principles.

Management doesn’t disagree; Social Workers is a great example.

- These enhancements should only be used when it is necessary.
 - o There is a lot of work that has to go in on the front end of these things.
 - o It is title specific: a separate package for every title, every shift, every location.
- Management would have to submit a request for a shift pay differential.
 - o This request would require all the data to support it.
 - o These take time – they are multi-year discussions.

Action Item:

Management to share SPMM (has sections for each of the salary differentials and walks through CS process of review and determination), and highlight the specific sections that discuss hazard pay, geo pay, etc. for Labor team to review criteria.

PEF Follow Up:

When the governor said there would be a pay differential there were no specifics included.

Agency Response:

This is something Management is still trying to work out.

There are a bunch of other things that need to change in order for this to happen but that is not the way the language had been written.

- As it is written now: 4 or more hours between the hours of 6PM and 6AM, excluding overtime.

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12. AOC Compensation – PEF requests AOC’s be compensated in some form when forced to take on the added responsibilities.

Agency Response:

We talked about this pretty extensively in August; we don’t have an agreement like OPWDD has.

Is there any new information at this time? No.

We don’t have the mechanism to do it, and Federal Labor Law is far more strict in who is eligible for overtime.

13. Academic / Salary Inequities –

- a. Dietitians and Pharmacists require master’s Degrees, a yearlong internship, CDN License, RD Exam and 75 credits every 5-years.
- b. PEF requests that OMH advocate to provide salary enhancements for these titles based on educational and training requirements.

<i>Northern New York Pharmacist Salaries</i>	<i>Yearly Salary Range</i>	<i>Additional notes</i>
Claxton Hepburn Hospital	\$120,000 - \$137,000	\$57/hour starting salary with no experience
St. Lawrence Health Systems (Canton Postdam)	\$129,900 - \$138,250	\$62/hour starting salary with no experience *Specialty pharmacist: chemotherapy, discharge, clinical, etc: \$68-73/hour*
Pharmacy Manager/Supervisor	\$144,900 - \$168,000	\$69/hour starting salary with no experience
Kinney Drugs	\$127,200 - \$155,000	\$60/hour starting salary with no experience *Also get profit sharing bonuses and company stock matching for 401K

Pharmacist Salary Table contrasting local OMH Salaries to those of local business providing pharmaceutical services.

Agency Response:

Comparing OMH salaries to the salary chart provided doesn’t tell the whole story.

- OMH hasn’t had an issue filling pharmacist positions.
- In the case of pharmacists, the salary enhancements are statewide.

Dietitians and nutrition services are harder to staff; they are not offered any statewide enhancements.

OMH would be overjoyed to ride the coattails of OPWDD on this. We support our colleagues, and we appreciate their support as well.

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- 14. Section 72, Right to Appeal** – PEF would like to know if the agency is willing to support our legislative push to make the determination of hearing officers for Section 72 hearings binding and provide for the right to appeal such determination for both employer and employee.

Agency Response:

It would be a massive change – Management would like to review the legislation to see specifically what it is.

Action Item:

Management to review legislation prior to making any commitments or statements on the record.

- 15. Workers Compensation Coverage** – PEF would like to know if the agency is willing to support our legislative push to expand to all workers, the ability to receive coverage under the NYS Workers Compensation Coverage for identified work-related stress.

Agency Response:

This legislation has been signed; and expanded that workers compensation to all agencies.

- 16. ACT Update** – Governor Hochul recently announced her support for 'involuntary removal' following a spree of deadly stabbings in the city. In the past OMH and the Governor has tasked our ACT teams with handling some of these issues. What is the agency's stance should the governor request input?

Agency Response:

Currently we haven't been asked. We can't discuss the status of state issues.

Our official position is that we have no position at this time.

→ If Governor Hochul tells us to do it, we will do it.

PEF Reply:

Has the response expanded to any other facility outside of the Bronx?

Agency Response:

All other SOS teams are operated voluntarily.

There is a team that primarily spends their time in (or around) the subways to offer support to the homeless where they are at.

- The purpose is to identify what they want, and what they need to then connect them to those things within the system.
- The team is hoping to build trust to eventually get these people into the right place.
- Overall, it is a program to help address the homeless population that doesn't come through our doors.

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17. SW LM Schedule Planning – PEF would like to agree on 2025 dates for Quarterly Statewide Labor Management Meetings.

Proposed Dates:

Quarter 1:

Quarter 2: April 4, 2025

Quarter 3: September 26, 2025

Quarter 4: December 12, 2025

Non-Agenda Items Discussed:

- 1. Telecommuting Pilot Proposal:** Management will meet with PEF early to mid-January to chat about that.
- 2. Training:** Management is hyper focused on what training needs to be included that will benefit and prepare all staff.
 - a. Partnering with folks from forensic services – what are some of those broader implementation tactics?
 - b. How do we make sure our staff are able to address anyone presenting those factors?
 - c. The risks are the same, the intervention should be the same.
 - i. Often times when we segregate people, we lose sight of the big picture.
- 3. Holiday Pay for Nurses:** All three nursing shifts would get 8 hours of holiday pay.
- 4. Nursing Sub Committee:** Part of what we want to communicate are the educational benefits that are out there and available to Nurses.

X



Albert Famularo
PEF Labor Management Chair, OMH

X



Bryce Therrien
Assistant Director, OMH

X



Chris Moreau
OMH SW Field Representative, PEF