WCB-PEF Statewide Labor-Management Meeting

1:30 pm Thurs 1/26/23

**Attendees**

**PEF:**

Anthony Rios, PEF Field Rep

Vicki Sweet, Div. 363 Council Leader

Scott Harms, E-Board Member representing PEF members at WCB Div. 285 and Div. 363

Tracy Peel, Div. 285 Council Leader

Melissa Dilcher, Buffalo Steward

Scott Avidon, Queens Steward

Linda Washington, Brooklyn Steward

Robert (Bob) Anderson, Garden City Steward

Seamus Murphy, Hauppauge Steward

Danielle Freeman, PEF, acting as secretary

**WCB Management**:

Donna Erno, Labor Relations Director

Paul Connelly, HR Director

Steve Scotti, Executive Director

Marc Grodsky, Downstate Supervising Law Judge

Sharon Schanz, Upstate Supervising Law Judge

Michael Papa, Enforcement

Justine Wright, HR

Cheryl Bass, Assoc Dir

Heather MacMaster, Acting General Counsel

Melissa Stefanko, Director of Finance

Clarissa Rodriguez, Chair (Introductions only)

Craig Better, Labor Relations

1.            Return of public

a.            Timeline

b.            Advance notice

c.            Safety precautions to be implemented?

***Management Response:***

*At this point in time there are no plans to reopen any locations to the public. WCB would need advance notice before any reopening and there are no discussions. Once notice has been received management will give employees notice.*

2.            Temporary office closures/work from home/work at a different location

a.            “Pivot to work from home policy” of Dept of Labor, can we get a pivot policy at WCB?

b.            Concern that notices to staff of office closures/optional work from home are called too late when people are commuting. What can be done to speed the process?

c.            Can middle managers be empowered to let employees pivot to remote work?

d.            Board should consider full closure when safety is at issue. For example, Buffalo’s big storm.

e.            Travel time needed when staff asked to work at a different location.

***Management Response:***

*The “Pivot” policy was received, and management stated that they would like to research further and if it would be something that would work for the Board. Management is not aware of any denials for telecommuting during a snowstorm. As far as early departures, the official closures come from OER, and timing is on OER communication to individual agencies. Is PEF proposing a short term solution to telecommuting from home? WCB solution for telecommuting during or prior to a snowstorm is approved however it’s not uniform across the agency. Management has given employees the option to take their laptop home or use personal time. Employees that have requested telecommuting if a storm is announced have been approved.*

*There’s no exact time frame to advise about the “Pivot” policy proposal presented from PEF.*

*Management will regroup on the travel time and different work location(s) and advise PEF.*

3.            Personnel relocation

a.            Office of Innovation move to Menands

b.            Are ITS positions moving to Menands as well? How will telecommuting affect these positions?

***Management Response:***

*The plan is for the Office of Innovation to move to Menands, and ITS to be co-located. Communication will be sent out to staff advising Innovation will move on March 1, 2023. Management stated that it would be approximately one month later for ITS. There’s one-on-one team collaboration, in addition WCB is staffing in Schenectady. This is an operational move as far as telecommuting, WCB does not expect any changes. However, if there are issues down the road, WCB will have further discussions. The 30-day notice will include the right to decline and transfer opportunities which is standard in the notification.*

4.            Office relocations/construction

a.            Any information on office moves/construction for any offices, in particular Hauppauge & Manhattan? Timely notice to staff.

b.            If Hauppauge does move, Manhattan floors are consolidated, what steps are being taken to plan for excellent COVID safety? Air filtration, air refresh rate, separation of spaces, adequate social distancing for claimants, attorneys, and staff? Upper air UV? Publicly displayed carbon dioxide monitors? Can we make this a demonstration of good practices/what’s possible for employee safety? It’s a chance to get it right from the start. Advocate for pleasant office spaces people can enjoy, be safe in, and work productively in.

c.            Update on status of Queens construction.

***Management Response:***

*Relative to Hauppauge there are no updates currently WCB plan is to relocate in the future. No updates for the Queens construction.*

5.            Physical plant issues:

a.            Temperature in Schenectady offices

b.            Ventilation/temperature in Hauppauge update

c.            Rochester sinkhole/flood issue: update on progress,

d.            Passing along comments/suggestions of affected staff

***Management Response:***

*WCB is familiar with the control issues and have advised the building landlord. Regulating the temperature has been difficult, however management has addressed the issues when notified. The ventilation/fumes issue has not been brought to management and will investigate it.*

*The Rochester sink hole was repaired yesterday. Regarding the “pivot” policy the flood was not a planned event.*

6.            Hearing calendar time

a.            Need consistent adequate scheduling of time for interpreters and per type of hearing.

b.            Judges need time to stand, stretch, take a bathroom break.

c.            More hires

***Management Response:***

*Essentially work has been done with CIS to get more time on the calendar when there are interpreters. When the information is received for an interpreter, it is forwarded over to Claims immediately to process. WCB is working on 5 minutes once there is an interpreter or with multiple carriers. The change involves both our staff and changes to software, which go through a governance process. If a Judge adjourns a case, the Judge can set the appropriate amount of time on return, including what is necessary for interpretation. The expectation is the claimant will understand what happened in the hearing generally the Judge can advise the interpreter of the proceedings. Right now, basic virtual hearings are 12 mins for no time allowance. The built-in time is an extra 5 minutes for language issues, based on how many cases are addressed.*

*If Judge needs to stand, bathroom break and stretching then it should happen. If Judge not having time, then they should advise the Senior Judge.*

*GA102 for filling items. WCB will give information on vacant items, 11 provisional made probationary then hired 15 additional and 3 postings waiting to fill, and the Judge list has been exhausted. WCB looking to fill line items for Conciliation and ARD but there are limitations when dealing with Civil Service. The fill level is 938 and the target level is 1045 and WCB will provide numbers going forward.*

7.            Monitoring of employees

 Cameras and swipe cards cannot be used for time and attendance under our PEF Contract with the State. In addition, PEF LM members recall that many years ago, when security cameras were installed, there were assurances they would be used for safety, not employee monitoring. What safeguards are in place to prevent abuse of cameras?

 ***Management Response:***

*The buildings have cameras around the entrances for safety and swipers for entrance into the building. No one is monitoring when employees are entering the building, however, it may be used to corroborate a situation for abusing time and attendance and not reporting on their timecard. WCB management is not aware of a pledge or policy pertaining to “monitoring” if PEF can find the minutes referring to monitoring, management would like to see them. The cameras are not being used for time keeping.*

8.            Career mobility

a.            Discussed previously, in general, that we would like to see more Board employees deemed eligible for tests for Board positions, but previously left out concern of investigators that they would like opportunities for testing into positions in other areas of the agency. Could job duties be tweaked so they gave people experience in areas that would make them eligible for transfers?

 ***Management Response:***

*A package regarding investigator eligibility has been presented to Civil Service and was denied. Civil Service determines the qualifications for positions within agencies.*

9.            Telecommuting

a.            Must meet to discuss 60 days before the 4/1/23 renewal. When would you like to discuss?

b.            If at this meeting, our feedback on telecommuting and improvements to telecommuting.

***Management Response:***

*PEF can propose dates to meet and confer for telecommuting.*

10.          Handling creation of consensus minutes of meeting.

a.            Process

***Management Response:***

*WCB agrees to timeframe of one week for meeting minutes. Paul will get back to PEF for posted minutes and emails to employees.*

11.         Next LM meeting

a.            Setting date

b.            We would like to return to in-person LM meetings

***Management Response:***

*The in-person meetings are premature and WCB is not willing to commit to in-person meetings. Will advise PEF when.*

**Next Meeting:**

July 27, 2023, 1:30p.m.

**Action Items:**

* Management will discuss “Pivot” policy and advise PEF (propose Mgmt response Feb. 13, 2023)
* Anyone questioning travel time should contact the BSC for guidance. (start and finish times)
* No updates on Queens, Hauppauge, and Manhattan.
* Ventilation and fumes issue WCB management will address (propose Mgmt response Feb. 9, 2023)
* CIS Governance and implementation (5-minute time frame) (propose Mgmt update on expected implementation, Feb. 13, 2023)
* PEF will provide minutes from previous LM meeting referenced (Feb. 13, 2023)
* PEF will provide draft minutes of this meeting (Feb. 2, 2023)
* Mgmt (Paul Connelly) will provide response on posting and e-mailing minutes (propose Feb. 13, 2023)
* Management will forward its edits for consensus minutes of this SWLM meeting (propose Feb. 9, 2023)
* Meet & Confer on telecommuting (PEF will provide dates to management) (propose Feb. 2, 2023)

RECURRING ACTION ITEM: Mgmt to provide staff target and fill level as a recurring item (at each Statewide LM meeting.)