

PEF/SED  
Statewide Labor Management Meeting  
October 6, 2011

PEF

Susan Kent, Chair  
Carlos Garcia  
James V. P. Hair  
Michael Kinley  
Janet Quait  
Christine Kleinegger  
Victoria Stockton  
Christopher Dennihy  
Donna Parslow  
Annette Chambers  
Patricia Polan  
Sharon Edwards  
William Sachs  
Chris Nicola

Management

Valerie Grey  
Sharon Cates-Williams  
Marie Allen Campbell  
David Green  
Mary Kogelmann  
John Delaney  
Mary Drzonsc  
Marsha Brown  
Jim Hinds  
Peg Rivers  
Connie McMillan

Steve Demirian  
Recorder

## STANDING ITEMS

### Budget

- Management reported that all agencies are required to cut 10 percent from their budgets. SED cut \$4.3 - \$5 million and is diligent in its NPS spending. The early retirement incentive, attrition, and regular retirements have helped SED meet its targets.
- There is still work to be done in Assessment. The Board of Regents requested \$15 million but only received \$7 million from the legislature. We still have an \$8 million gap. SED is achieving savings by cutting exams, cancelling contracts, and moving more work in-house. Management reported that Assessment got by this past year with federal carryover funds which have since dried up. SED will try to get funding to keep the program intact. The program is part of the core educational function of the department. SED still needs to cut \$4 million to keep Assessment going.
- SED still needs to layoff 19 staff. The layoff plan is not yet finalized. (This has since been averted as a result of PEF's contract ratification in November).
- Management reported that SED was able to secure \$7 million. PEF expressed concern about the implied message that sends, that SED is able to get by with \$7 million. Management noted that the first priority is to secure the \$7 million.
- PEF asked about the budget deficit at CEC. Staff at CEC have been anxious for a long time. PEF was told that carrying a deficit at CEC was not a problem since the program was special revenue funded. PEF asked if management has looked into other ways to bring in new revenue sources like county clerk fees, legislation, etc.. Management indicated it was a possibility but talks did not go anywhere. Management also did not believe that CEC would be better funded if it shifted to the general fund. PEF noted that if CEC was on the general fund, it would be on equal ground in terms of layoffs. Management noted that layoffs would be "proportionately allocated."
- PEF asked if there are any new federal funding sources for SED. Management reported that it is always looking at federal funding options and seeks them out when available. But there are reductions in federal funding as well such as Title 6.
- PEF asked if furloughs would close the deficit. Management noted that there is always a risk and that it has identified actions, including furloughs, that would close the gap but could not provide a specific amount on savings.
- PEF asked if management was looking into sweeps from special revenue accounts. Management indicated that its intention was to respect what the money was originally intended for. PEF asked if it could have sweeps numbers for 2009-10 and 2010-11. Management indicated it would provide PEF with the numbers for those years.
- PEF noted that nurses at the New York State School for the Deaf would have to work overtime when others are furloughed and asked if that was taken into consideration. Management stated that this would not be an issue. If it was on a larger scale, it would be more of an issue. As it stands now, it is more like planning for a vacation.
- PEF asked about money spent on hiring managers and retirees as temporary workers. Management reported that SED lost all of its deputy commissioners.

- Salaries of new hires are lower than the incumbents. Retirees come back only where they have expertise in specific areas.
- PEF asked about SED's current fill level. Management reported that SED is at its historic low and lower than the target. There were 47 retirements in September when the new actuarial tables were released.
  - Management reported that performance measurement will be emphasized in the future. Sharon Cates-Williams will be working on developing metrics on service that will help us justify needs. PEF noted that it is important to have quantitative and qualitative data. Quality of service is not measurable by statistics alone.

### **Legislation**

- Management reported on pending legislation on tenured-teacher hearings, proprietary schools, and mandate relief. Management also reported on a bill to address financially and academically under-performing schools, giving SED greater intervening authority. Currently, SED does not have the authority to appoint a fiscal officer.

### **Examinations**

- Management reported it is trying to reduce the number of provisionals throughout SED. There are 7 provisionals in the Education Finance Specialist 2 title. A list is expected in December. We are waiting for a list for Assistant Exams Editor (Braille).
- Management reported that SED is seeking exams for the following titles:
  - Education Credentials Specialist 3 (Fall 2012)
  - Associate in Bilingual Education
  - Associate in Nursing Education
  - Associate in School Nursing
  - Library titles
- PEF asked about the Senior Historian title. Management indicated that there are no plans currently underway to hold an exam for that title.

### **New titles, reclassifications, title structure changes or reallocations**

- Management did not have anything new to report on this item.

### **OLD BUSINESS**

### **Minutes**

- PEF requested that management post minutes on AtWork under Latest News. Management indicated that it will look into that.

### **AEDs at each SED location**

- Management reported that SED is moving forward on having AEDs at each of its locations. Management agreed to supply a list of current offices with AEDs and indicated that it is in the process of ordering AEDs for 8 locations.

- PEF asked about the funding source for AEDs. Management noted that it is a health and safety issue and funding will come from the General Fund.

### **Office of State Assessment**

- It was agreed that this item will be discussed at the P-12 meeting

### **Fleet Management Policy**

- PEF was told at the last L/M meeting in June that management would get back to them, but we have not been contacted about the following issue. A proposed policy was reviewed by PEF last year. PEF provided management feedback concerning how DMV information would be used and staff alternatives if they did not wish to provide management with DMV information. Management did not issue the policy at that time nor get back to PEF on the feedback given. Management was asked about the status of this policy after our L/M meeting in March and did not respond to PEF. Staff have since been contacted to provide their driver's license information to management as part of the Department's Fleet Management Policy. PEF requests management's response to the feedback we provided on the draft policy last year. PEF requests that in the future management respond to our feedback in writing so similar situations will not occur.
- Management reported that the policy will be re-posted. PEF asked if it could get a copy before the policy is posted. Management noted that the policy will not be posted until Sharon Cates-Williams reviews it and that PEF will be provided with a copy after it is reviewed.

### **Leased Office Space**

- PEF asked if SED is planning to move staff from leased office space. PEF requested a discussion of any moves being planned. Management reported that there is no specific information at this time. There is a statewide initiative to re-examine leased office space. PEF wanted to ensure that staff is given proper notice. Management understood PEF's concern.

### **Education Evaluations in the Office of Teaching**

- PEF asked if there are any changes planned for how Education Credential Specialist evaluate transcripts in the Office of Teaching. Management reported that it was unaware of any changes to ECS duties.

### **Long Term Temps in the Office of Teaching**

- PEF asked about raising the per diem for a temporary worker in the Office of Teaching Initiatives. Management noted that it did not want to discuss individual cases at the Statewide meeting.

### **Professional Conduct Investigators in the Office of the Professions**

- PEF expressed its concern that staffing levels are at an all time low for the investigative titles in the Office of the Professions. PEF requested an update on backfills? Management reported that 5 waivers were approved to fill investigator titles. PEF noted that there are no investigators in Buffalo, there are 2 investigators in Rochester, and a total of 38 investigators statewide. Fifteen years ago, there were 90 investigators. PEF asked if it will be a constant battle to fill these positions. Management reiterated that it will be a challenge to fill any position in this environment but that it will continue to work on getting waivers.

### **NEW BUSINESS**

#### **Building Closures Preventing Staff from Access to Work**

- PEF asked for clarification on the process by which staff can be credited for the days that they were unable to work due to building closures. Management noted that staff are required to charge their time unless the agency can successfully petition Civil Service to suspend the attendance rules. Management also reported that it is working on providing managers with a procedure to follow in the event of a building closure.