

**Testimony of Michael Volforte, Director
Governor's Office of Employee Relations
February 2, 2021**

Chairs Weinstein and Krueger and honorable members of the Assembly and Senate. My name is Michael Volforte and I serve as the Director of the Governor's Office of Employee Relations. Thank you for the opportunity to address you on Governor Cuomo's Executive Budget proposal for Fiscal Year 2022 as it relates to the State workforce.

The past year has certainly brought unprecedented challenges that none of us expected. I would be remiss if I did not open my remarks by acknowledging the dedication of so many New York State employees who have been on the front lines of our response to COVID-19. We have thousands of front-line workers who have been on the job every day throughout this pandemic and thousands more who have stepped up to keep critical programs and services running despite the difficult circumstances. We saw thousands more State employees willingly help out their fellow New Yorkers by staffing hotlines for answering COVID-19 related questions, scheduling testing, and processing unemployment insurance claims of an unprecedented nature. I applaud all their dedication and my agency remains steadfastly committed to working with their employee organizations to address their concerns.

Under the Governor's leadership, GOER has mounted a robust response to the pandemic. In mid-March, through negotiated agreements we expanded the availability of telecommuting for employees who did not need to be onsite to deliver critical services. These were fair agreements that balanced the needs of the State to continue delivering mission critical services while balancing the needs of our employees. As a result, we have been able to reduce the number of employees onsite at any given work location to help ensure adequate social distancing. These expanded telecommuting arrangements are in place through April 2 and employees, when not telecommuting, have returned to office settings pursuant to safety plans put in place by every agency in accordance with Department of Health guidelines.

GOER also negotiated with all of our employee unions to relax deadlines that would have otherwise required employees to forfeit unused vacation and other leave credits even though many of those employees were unable to use these leave credits due to the critical nature of the work they were performing in response to COVID-19. We also created a new, more flexible leave category allowing employees exposed to, or ill with, COVID-19 to receive paid leave, and set up a new response infrastructure to ensure we can give the proper guidance to agency managers who are navigating the difficult employment issues raised by this pandemic. While this new system started in response to the pandemic, we have recently transitioned it to a model where we use this system to handle all employment related inquiries from the agencies and give them the advice that they need.

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A great number of employees who take advantage of our flexible spending accounts – pre-tax programs designed to allow employees to pay for certain eligible expenses on a pre-tax basis - were impacted by the pandemic. GOER took steps to ameliorate the impact of COVID-19 on this program by extending processing deadlines for the use of 2019 funds, alerting individuals about the ability to change 2020 deductions within federal guidelines and expanding the 2021 program by permitting employees more time and access to their 2020 funds during plan year 2021 by permitting a carryover and longer run out period for two of the programs.

More than 31,000 employees saved money through our pre-tax contribution programs health care, dependent care, transportation and adoption expenses. Our Employee Assistance Program rendered valuable assistance to almost 23,000 employees working and coping with the pandemic. We also distributed over 7,000 job and career related tuition benefit reimbursements in the last year. Guidance was issued on ergonomics associated with working from home to help keep the workforce healthy. While much of our focus has been on aiding the response to COVID-19, we have continued to administer benefits and programs like these that are designed to improve both the quality of the work and personal experiences of our employees.

Early in this pandemic, we directed agencies to ensure that they utilized the labor/management process to keep their union counterparts informed and to address their concerns. Needless to say, every conversation isn't easy and opinions sometimes differ, but we have remained committed to dialog with our union counterparts throughout this crisis and are proud of the job so many union officials and agency Human Resources teams have done throughout state government to keep lines of communication open and get employees needed information and assistance.

Last year, I reported to you that, as part of the Governor's broad agenda to protect the LGBTQ community we would be making cultural competency training on gender identity and expression available to all state employees. I'm pleased to inform you that we recently launched a Gender Identity Toolkit that is mandated for all of our employees. This is a collection of resources designed to help ensure that our employees have the information they need to make sure that all New Yorkers are treated with respect. We're very proud of this Toolkit and look forward to developing additional training and resources that reflect the Governor's strong ongoing commitment to a New York that is fair and welcoming to all. In addition, last year the Governor declared that Juneteenth would be a holiday for the State workforce and signed legislation passed by the Legislature designating Juneteenth as a public holiday in New York.

As you know, GOER investigates complaints of protected class employment discrimination and harassment in Executive Branch agencies covered by Executive

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Order No. 187. With our team, we are actively investigating complaints of discrimination and harassment in order to ensure that all allegations are investigated, individuals are advised of the result of that investigation and appropriate action is taken in a timely manner against anyone found to have violated our policy.

When the pandemic hit, we were in negotiations with several unions and those have been slowed by the pandemic. In the coming fiscal year, we anticipate returning to the bargaining table with those unions and commencing negotiation with others whose contracts will expire in the coming year. As you all know, the pandemic has created serious fiscal concerns and the State is committed to working with the unions to achieve fiscally responsible agreements.

In closing, despite the challenges of the past year, Executive Branch employees have continued to deliver critical services to New Yorkers. GOER stands ready to partner with its union counterparts as we move forward and look forward to better days.