

**Testimony of Michael Volforte, Director  
Office of Employee Relations  
January 31, 2022**

Chairs Weinstein and Krueger and honorable members of the Assembly and Senate. My name is Michael Volforte and I am the Director of the Office of Employee Relations. Thank you for the opportunity to address you on Governor Hochul's Executive Budget proposal for Fiscal Year 2023 as it relates to our agency and the State workforce.

Over the past year, we have continued to assist agencies in meeting their needs to help the workforce through the continued pandemic. As all of you know, our workforce has performed remarkably throughout the pandemic. Since we last spoke, tens of thousands of front-line workers have continued to be on the job every day throughout this pandemic and many more volunteered for on-going pandemic response, like our State-run vaccination sites.

Under Governor's Hochul's leadership, we have continued to mount a robust response to the pandemic. In recent months, under Governor Hochul's leadership, we have been central in implementing the State's evolving requirements for certain employees to be vaccinated against COVID-19 or to be tested for it on a weekly basis. We are continuously in touch with our union counterparts regarding their COVID-19-related concerns. While we don't always agree, we are all working in good faith to help navigate an unprecedented situation and we respect their efforts and their representation of our employees.

Throughout this pandemic, our agency has been a resource for managers in State agencies, fielding thousands of inquiries regarding how to apply policies that are designed to keep our employees safe and keep critical services and programs running. Recently, for example, we've responded to many inquiries regarding workplace application of recent DOH guidance on quarantine and isolation as they relate to the workplace as well as other inquiries about workplace rules governing masks. Agencies were recently directed to begin offer appropriate masks to employees.

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During the past year, we transitioned from our emergency statewide telecommuting policy to agency-administered policies. Almost every agency now offers eligible employees the ability to telecommute for a portion of their workweek.

We also continued to take other steps that recognize the tireless effort of so many State employees. Many employees during the pandemic were unable to use vacation accruals due to work in response to COVID-19 and accruals were set to expire. We negotiated an extension of the expiration date so that employees would have the opportunity to utilize that leave.

An increasing number of employees 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. In response, our office implemented several changes to permit participants to use their funds to the greatest extent possible. These included:

- Allowing employees to use up to \$550 of their 2021 Health Care Spending Account in 2022,
- Allowing employees to use their 2021 remaining dependent care balances in 2022,
- Allowing participants to change their 2021 dependent care deductions for any reason,
- Increasing the amount that employees could set aside for 2021 dependent care expenses,
- Adding eligibility for dependents who would otherwise age out.

In addition, we worked closely with the union Joint Committees on Health Benefits to:

- Continue the telemedicine pilot program,
- Add eligibility for dependents who would otherwise age out of certain dental procedures,

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- Worked closely with the unions to bolster mental health access by adding providers and informing employees about the mental health benefits available to them,
- Keeping everyone informed of the benefits available because of COVID-related State and Federal mandates and regulations.

In collaboration with our union counterparts, we continued many other programs that provide important benefits to our workforce. In the last year, our Employee Assistance Program rendered valuable assistance to over 22,000 employees working and coping with the pandemic. We also distributed over 7,000 job and career related tuition benefit reimbursements in the last year. While much of our focus has been on aiding the response to COVID-19, we have continued to administer benefits and programs that are designed to improve both the quality of the work and personal lives of our employees.

As you know, we investigate complaints of protected class employment discrimination and harassment in Executive Branch agencies covered by Executive Order No. 187. In addition to investigating such complaints last year, in December GOER provided a series of live webinars to train all senior agency executives on the state's anti-discrimination policies and procedures. This year's budget proposes a substantial investment in our resources to quickly investigate the increasing number of complaints we are receiving and train State employees by adding 30 FTEs to our agency and additional funding. This proposal in our budget will also help us meet the Governor's commitment to providing live anti-discrimination training to State employees rather than our current computer-based training.

While we don't comment in detail on currently open negotiations, we are currently in bargaining at various stages with three unions for successor agreements to their expired contracts. Under the Governor's leadership, our approach to bargaining is straightforward and equitable: we will make responsible investments in our workforce that are fair to employees and ensure that State government continues to provide outstanding services to all New Yorkers.

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Further, the Governor has recognized the importance of investing in the workforce. In the budget, the Governor has proposed creating bonuses for critical frontline healthcare and direct care workers employed by not only the State but by other public and private employers. The proposal is for a bonus of up to \$3000 in total geared toward the recruitment and retention of individuals to fill these important roles.

In closing, despite the challenges of the past year, Executive Branch employees have continued to deliver critical services to New Yorkers. We look forward to another year of continued partnership with our union counterparts as we move forward under Governor Hochul's leadership.