NEW YORK STATE Department of Corrections and Community Supervision **DIRECTIVE**	TITLE **Functions of the Bureau of Labor Relations**		NO. 2114 DATE 06/05/2025
SUPERSEDES DIR #2114 Dtd. 06/21/22	DISTRIBUTION A	PAGES PAGE 1 OF 5	DATE LAST REVISED
REFERENCES (Include but are not limited to) Refer to Section V	APPROVING AUTHORITY		

I. MISSION: The functional purpose of the Department of Corrections and Community Supervision (DOCCS) Bureau of Labor Relations is to administer the terms and conditions of employment for all employees as described in Civil Service Law, bargaining unit agreements, Human Rights Law, Executive Law, and the handbook for Management/Confidential (M/C) Employees. A major component of the functional purpose is to facilitate harmonious relations with the Department's workforce.

II. ORGANIZATION: Under the direction of the Deputy Commissioner for Administrative Services, the Director of Labor Relations oversees the daily operations of the Bureau. Labor Relations Representatives and unit support staff report to the Director.

III. RESPONSIBILITIES: The Bureau of Labor Relations is responsible for assisting Agency managers with the implementation and continued compliance with bargaining unit agreements and local labor/management agreements. The Bureau works with both management and labor to facilitate employee grievance activity and mechanisms and implement employee discipline procedures. Bureau of Labor Relations Representatives work directly with bargaining unit representatives at the Agency-level to address disputes or other issues as they arise. The Bureau of Labor Relations serves as the Commissioner's liaison with the Office of Employee Relations (OER) and interfaces with various units and Agency managers within the Department, as well as other agencies when necessary. The Bureau also ensures compliance with New York State's Taylor Law and provides guidance and related training to employees as needed. The Director assists Agency Executives in the development of policy consistent with established laws, rules, regulations, and collective bargaining unit agreements.

IV. SCOPE

A. Terms & Conditions of Employment: New York State Civil Service Law outlines certain terms and conditions of employment for all employees of New York State. Bargaining unit agreements further define those terms and conditions subsequent to negotiations at collective bargaining. Bargaining unit agreements are periodically negotiated resulting in changes to certain terms and conditions. Human Rights Law and Executive Law are likewise subject to change and require adjustments in policy and procedure as well. M/C employees are an unrepresented segment of the Department's workforce and are not subject to a bargaining unit agreement. OER publishes a M/C Handbook which contains a description of the terms and conditions of employment for M/C employees. The M/C Handbook is available on the OER website https://oer.ny.gov/management-confidential-mc.

B. Harmonious Relations: Developing and maintaining harmonious relations with the Department's unionized workforce is an important element of Department operations.

Every effort will be made to direct the workforce in a professional and courteous manner. Interference in internal union matters, antagonistic and/or abusive management styles is prohibited.

C. Assistance: The Bureau of Labor Relations is an Agency resource that managers should utilize for information, direction, and assistance, and/or guidance in navigating New York State's Taylor Law, bargaining unit agreements, labor/management issues, grievances, counseling, and employee discipline. Managers may contact Labor Relations during regular business hours at (518) 457-7383. During non-business hours you may contact Labor Relations through the Command Center at (518) 473-5691.

D. Bargaining Unit Agreements: Bargaining unit agreements (contracts) are a written contract between New York State and a group of employees represented by a particular union. These bargaining unit agreements are negotiated by representatives of the Governor and representatives of a bargaining unit. The negotiated agreements are designed to describe the terms and conditions of employment for all members within the unit. The agreements are not Agency or work location specific. Each contract provides authority for local negotiations through labor/management to further specify how the terms and conditions contained in the contract will be implemented at the local level. No agreement negotiated at the local level may abridge the contract. On an annual basis, or more frequently if needed, Department Executives meet with union representatives to discuss matters of concern at the Statewide level.

E. Local Labor/Management Committees: Local labor/management meetings are required by the Department and are addressed in Directive #2104, "Local Labor/Management Committees."

F. Grievance Activity: Each bargaining unit contract contains a provision for employees to grieve violations of their respective contracts, or other matters not specifically enumerated in the contract. M/C employees may also file grievances as outlined in Directive #2113, "Grievances - Managerial/Confidential Employees." Prior to engaging in grievance activity, all employees are encouraged to resolve matters informally when possible. Once a grievance has been filed by an employee, Executive staff at the work location must adhere to the timeliness provisions of the respective contract for meeting with and responding to grievances. During the grievance meeting, union representatives are to be treated with respect and professionalism regardless of any disagreement. Likewise, union representatives are expected to treat managers in a mutually respectable manner during grievance meetings. The following is offered as guidance on how to proceed through a local grievance meeting:

1. Review grievance; relevant documents from the union/grievant must be present.
2. Schedule a meeting to review the grievance in a timely manner.
3. Gather all relevant documents from facility records to be used in support of a decision; provide those records to the union at the meeting (provided they are not confidential).
4. Allow the grievant to be present at the meeting and allow the grievant or their union representative to offer any information necessary to communicate their position.
5. Issue a written decision in a timely fashion.

6. Ensure that the grievance decision gives a detailed justification for the determination citing relevant policy, procedure, etc., where applicable. In those instances when referring to documentation, directives, policies, etc., ensure that the union/grievant is provided a copy of the respective documents, provided they are not of a confidential nature.

   Example: Employee Jones files a grievance that he was denied leave at half pay in violation of Contract Article X. The grievance file should contain the following documentation:

   a. Grievance
   b. Written request from the employee to take leave with ½ pay
   c. Copy of all reference materials (directive & relevant Contract Article)
   d. Attendance information
   e. Family Medical Leave Act (FMLA) eligibility
   f. Medical documentation in support of employee's absence
   g. Any other relevant information
   h. Written response to the request for leave
   i. Management's response to the grievance

G. Office of Employee Relations (OER): OER has Statewide operational oversight of State Agencies' Labor Relations practices. The Department's Bureau of Labor Relations works closely with OER to implement the various contracts and implement policies and procedures established by OER. OER represents agencies in matters that are in dispute when advanced beyond the Agency level. Examples include contract grievance arbitrations and improper practice charges (Taylor Law violations) filed with the Public Employment Relations Board. The Anti-Discrimination Investigation Division (A-DID) of OER implements Executive Order 187, "Investigations of Protected Class Employment Discrimination." Allegations of protected class employment discrimination, sexual harassment, and retaliation are investigated by A-DID. Investigative findings substantiating allegations of misconduct are advanced to the Bureau of Labor Relations. Labor Relations reviews referrals for discipline to determine the appropriate course of action, if any.

H. Public Employment Relations Board (PERB): PERB was established by New York State's Taylor Law to oversee the implementation of the Taylor Law. PERB has a range of official functions specifically outlined in the Taylor Law. For purposes of brevity, this directive addresses improper practice allegations. Improper practice allegations are filed by public employee unions at PERB. Typically, these allegations cite a section of the law that is alleged to have been violated by management in the public employment sector. Allegations of violations of the Taylor Law are distinctly different from employee grievance activity. Each has its own resolution process and neither venue is subject to the other. Most often, the union seeks to correct a perceived violation of the Taylor Law and inhibit the employer from engaging in similar acts in the future.

I. Employee Discipline: Employees of the Department are subject to administrative discipline consistent with Section 75 of New York Civil Service Law or through procedures established in collective bargaining agreements. Directive #2111, "Report of Employee Misconduct," outlines the procedures Agency managers must follow to initiate requests for disciplinary action. The Department's Bureau of Labor Relations is responsible for evaluating requests for disciplinary action. Requests are evaluated consistent with established standards and acted upon when circumstances warrant discipline. Refer to Directive #2111 for further information.

J. Employee Arrests: The Department requires its employees to comport themselves in a lawful manner, on duty as well as off duty. Administrative disciplinary action may be taken in certain circumstances when an employee fails to maintain lawful comportment. Refer to Directive #2112, "Report of Criminal Charges," for further information.

K. Suspension: Employees may be suspended from duty consistent with Section 75 of New York State Civil Service Law or as specified in collective bargaining agreements. Refer to Directive #2110, "Employee Discipline-Suspension from Duty During the Continuation of Disciplinary Proceedings," for further information.

L. Training: The Bureau of Labor Relations staff is available to train Department employees. Training is offered to assist managers with labor management, preparation of written local agreements, grievance activity, counseling, and employee discipline. Please contact Labor Relations to request training.

M. Employee Assistance Program: The Bureau of Labor Relations, in conjunction with the OER Employee Assistance Program (EAP), is responsible to facilitate implementation of EAP in the Department's facilities, area offices, offices, and bureaus. For more information, please refer to Directive #2116, "Employee Assistance Program."

N. Organizational Alcohol Program: The Organizational Alcohol Program (OAP) is a joint labor/management funded service offered to security services-represented employees who are experiencing alcohol-related problems. Requests for OAP services should be directed to the office of the Organizational Alcohol Program, located at;

P.O. Box 8660
1134 New Scotland Road
Albany, New York 12208-1907.
Phone: 518-489-9072, ext. 2225. Fax: 518-489-9072 ext. 2299.

O. Joint Labor Management Funds: The Director of Labor Relations is a member on various committees comprised of union representatives, agency management, and OER. The committees review grant applications to use joint funds for tuition reimbursement, Quality of Work Life (QWL) building construction/upgrades, purchase of small appliances, health & fitness equipment, and certain training program expenses, etc.

V. REFERENCES

- NYS Taylor Law
- Civil Service Law
- Human Rights Law
- Executive Law
- Family Medical Leave Act
- Executive Order 187, “Investigations of Protected Class Employment Discrimination”
- Directives #2104, #2110, #2111, #2112, #2113, #2116
- DOCCS Employees’ Manual
- Bargaining Agreements