



NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES
One Commerce Plaza, Albany, NY 12257
An Equal Opportunity/Affirmative Action Employer

Announcement of Intention to Fill a Job Vacancy

Associate Director HR 2 (Labor Relations), M-2

Location: One Commerce Plaza, Albany

Business Unit: Human Resources Management

Negotiating Unit: Management/Confidential (M/C)

Please note that a change in negotiating unit may affect your salary, insurance and other benefits.

Salary: \$85,244 - \$107,751

Appointment Status: Contingent Permanent

Under the direction of the Director Human Resources 3 M-3, the incumbent will serve as the Employee and Labor Relations Program Manager for the NYS Department of Financial Services (DFS). The incumbent will be responsible for contract interpretation, labor-management relations including labor-management committee work, and development of related policies and procedures. The incumbent will also directly supervise a staff of Human Resources who will handle the daily work of grievance and discipline cases, and interacting with other HR staff and DFS Business Unit Heads. This position will require regular travel to the NYC main office.

Duties of this position will include, but are not limited to:

- Serves as the agency expert on employee and labor relations matters and provide expert advice to executive management, managers and supervisors and legal staff.
- Interpret and/or oversee the interpretation of the Public Employees Federation (PEF) and Civil Service Employees Association (CSEA) contracts for agency managers and supervisors and make recommendations for managerial response to workplace issues. Advise managers on Civil Service Law, Rules and Regulations as they relate to employee relations matters. Research issues and obtain sufficient information to support management responses that serve the interests of the Department while adhering to contractual requirements.
- Consult with Business Unit Heads, Executive staff, managers and supervisors on Employee and Labor Relations matters to discuss and determine appropriate mitigation and/or responses to contractual issues.
- Administer the Department's labor-management program by working with PEF and CSEA union representatives on employee and management issues. Foster good working relationships with union representatives by discussing issues on an informal basis, attempting to answer questions and resolving situations before they escalate to formal processes. Ensure that labor-management committees meet on a periodic basis, that agendas are prepared and discussed with management representatives beforehand so topics are clear and expectations sounds, and that notes are taken and meeting minutes prepared. Make agreements with employee organizations within the parameters of Department and State policy direction.
- Participate in the development and review of draft policies and procedures related to employee and management issues. Review existing policies and procedures and draft new policies and procedures ensuring conformance with

contractual items. Present draft polices, if necessary, to PEF and CSEA for review, comment and discussion. Negotiate changes with the unions toward resolution, and participate in the approval process.

- Administer and oversee the administration of the grievance process for PEF, CSEA and M/C. Ensure timely handling and conduct of contract grievance hearings and understanding of positions from both a management and labor perspective. Evaluate and make determinations with regard to contract violations. Ensure the preparation of thorough, complete grievance decisions. If grievance advances to arbitration, serve as agency liaison with the Governor's Office of Employee Relations staff, arrange for DFS witnesses and assist in witness preparation. Attend arbitration hearing, assist in settlement negotiation in collaboration with Director of Human Resources and prepare appropriate documentation. Ensure files are complete for historical purpose, and oversee resolution at the agency level. Work with department staff, if necessary, to ensure resolution and/or correction of any internal practices that are not consistent with contracts.
- Administer and oversee the administration of the disciplinary process at DFS. Work with Labor Relations staff and Business Unit heads regarding appropriate avenues of investigation, including taking witness statements, conducting interrogations, and compiling documentary evidence. Review completed investigation reports and determine adequacy of cases for issuance of charges. Prepare witness testimony, compile evidence, and conduct pre-hearing preparatory interviews with witnesses. Review and write disciplinary charges and determine appropriate level of penalty. Present the Department's case at hearing according to established arbitration protocols, negotiate with employee's counsel in settling cases, prepare post-hearing briefs, receive arbitrator decision, and ensure penalties are completed.
- Develop training materials and curricula and conducts and or oversees the conduct of statewide labor relations training and information sessions with DFS staff, including employee relations, contract administration, supervisor roles and responsibilities, counseling, etc. Identify appropriate related courses available through the Governor's Office of Employee Relations, or other outside sources, and advertise/promote their availability.
- Provide assistance to the Office of General Counsel, Affirmation Action Office, and HR staff in review and resolution of Human Rights and Equal Employment Opportunity Commission complaints and other actions filed against DFS and in Civil Service Law Sections 71, 72 and 73 procedures. Assist in interviewing parties and witnesses, meeting with employees and Business Unit Heads, and preparation of documents.
- Supervise professional and office staff, schedule and assign work, provide advice and guidance, monitor performance, approve work product/documentation, approve leave, and ensure subordinates have the tools necessary to perform satisfactorily.
- Monitor performance aspects, including Attendance and Leave and ensure the provision of ongoing support to supervisors and managers as necessary to ensure the resolution of performance issues and/or the implementation of appropriate actions to address performance deficiencies spanning the gamut from counseling to discipline and considering other available provisions under Civil Service Law.
- Administer the performance evaluation appeals process including the development, implementation and oversight of an agency level appeals board; and instruct managers, supervisors and appeal board members in the performance evaluation and appeals process.
- Chair/Co-Chair and plays a key management role on the Health and Safety Committee and the Workplace Violence Task Force.
- Train and develop labor relations and human resources staff expertise in labor relations aspects, including preparation of notices of discipline, preparation for arbitration, preparing grievance decisions, etc.

Minimum Qualifications:

Either A. One year of permanent service as a Human Resource Specialist 3 (Labor Relations) or Human Relations Specialist 2 (Labor Relations);

or B. as an Associate Director Human Resources 1, Director of Human Resources 1, Associate Director of Human Resources 1 (Institution), Human Resources Specialist 2, Associate Personnel Administrator, Administrative Officer 1, Administrative Officer 2, or Director Human Resources Management 1.

Appointment method:

List Appointment: Candidate must be reachable from interdepartment promotion list for the title of Agency Labor Relations Representative 3. (Associate Director of Human Resources 2 (Labor Relations)) (List #37-067)

Transfer: Must be eligible for transfer under Section 52.6 of the Civil Service Law. Information regarding transfer eligibility may be available on the Civil Service Career Mobility Office website at <http://careermobilityoffice.cs.ny.gov/cmo/>

Note: Under Civil Service Law, an employee cannot have two consecutive upward 70.1 or 52.6 transfers without an intervening list appointment.

Provisional Appointment: A provisional appointment requires that the employee take the next examination for the title and be reachable on the resulting eligible list. All candidates at the highest score are immediately reachable. Candidates at lower scores can be considered only when there are **fewer than 3** candidates at higher scores. If a provisionally appointed candidate is either not successful on the examination or not immediately reachable on the eligible list, they generally will not be allowed to remain in the position.

Non-Competitive Promotion (NCP) under Section 52.7 of the Civil Service Law: In accordance with Section 52.7 of the Civil Service Law, if the number of qualified candidates who apply for the position is three or less, a permanent appointment may be made, at agency discretion, by non-competitive promotion of an applicant who meets the minimum qualifications.

To Apply: Interested qualified candidates must submit a resume and letter of interest **no later than October 13, 2017** to the email address listed below. Please include **(Box HRM-00748)** in the subject line of your email to ensure receipt of your application. **Email submissions are preferred.**

Darlene Clemente
Box HRM 00748
New York State Department of Financial Services
Office of Human Resources Management
One Commerce Plaza
Albany, NY 12257
Email: Darlene.Clemente@dfs.ny.gov
Fax: (518) 402-5071

All candidates that apply may not be scheduled for an interview

AMERICANS WITH DISABILITIES ACT: REASONABLE ACCOMMODATIONS

Under the Americans with Disabilities Act (ADA), the Department of Financial Services is required to provide reasonable accommodation for known physical or mental limitations of an otherwise qualified applicant with a disability if an accommodation would enable the applicant to perform the essential functions of the job. If the accommodation would constitute an undue hardship on the operations of the agency, the agency is not required to provide it.

Pursuant to Executive Order 161, no State entity, as defined by the Executive Order, is permitted to ask, or mandate, in any form, that an applicant for employment provide his or her current compensation, or any prior compensation history, until such time as the applicant is extended a conditional offer of employment with compensation. If such information has been requested from you before such time, please contact the Governor's Office of Employee Relations at (518) 474-6988 or via email at info@goer.ny.gov