

**Memorandum of Agreement**  
**Between the**  
**State of New York, the Office for People with Developmental Disabilities,**  
**the Civil Service Employees Association,**  
**the Public Employees Federation,**  
**the New York State Correctional Officers and Police Benevolent Association**  
**and Council 82**

The parties hereby agree as follows:

1. The terms of this Memorandum of Agreement (MOA) will take effect at the beginning of Institutional Payroll Period 19 FY 21-22 (11:00PM on December 1, 2021), and end, unless extended by mutual agreement of the parties, at the conclusion of Institutional Payroll Period 24 FY 21-22 (10:59 pm on February 23, 2022).
2. The only employees eligible to participate under the terms of this MOA are those serving in the titles/title series listed in Attachment A. The parties may discuss and agree to add additional titles where warranted.
3. Pursuant to this MOA, OPWDD establishes a temporary overtime (OT) rate for the duration of this MOA and applicable to the titles listed in Paragraph 2 above, at a rate of 2.5 times their regular rate of pay. The OT rate shall apply to all individuals serving in titles listed in Paragraph 2 above and shall not be reduced for the duration of this MOA. All other aspects of applicable collective bargaining agreements relating to overtime remain in effect. Nothing herein authorizes OPWDD to pay OT below the OT rate currently established in the applicable collective bargaining agreement.
4. The parties agree that OPWDD will track the following for the duration of the MOA:
  - a. Hours of applicable OT by title and rate during the period of the MOA
  - b. Incremental cost of increased OT wage rates during the period of the MOA; by title and cumulative
  - c. Number of positions vacated by applicable title during the period of the MOA
  - d. Incidences of Unscheduled Absence (e.g., call-outs) during the period of the MOA

All data should be available by pay period and, where relevant, OPWDD will produce comparable data from prior periods upon request.

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5. OPWDD administration and the local unions shall convene in labor-management, as soon as practicable, to discuss implementation of the terms of this agreement and notice of rate to employees. In addition, they will continue to meet as needed to discuss issues associated with the terms of this agreement.
6. OPWDD administration and the unions shall convene in labor-management, at mutually agreeable times, to discuss issues associated with the MOA and/or to share regular updates of the information that is being collected pursuant to Paragraph 4.
7. This MOA does not impact an employee's right to file a grievance pertaining to an alleged violation of a term of an applicable collective bargaining agreement. The MOA is not a waiver of any collective bargaining agreement or statutory rights regarding overtime.
8. This MOA shall apply to all OT earned and worked during shifts in the institutional payroll periods identified in Paragraph 1. For any shift beginning at or after 11:00 PM on February 23, 2022, the OT rate will revert to the rate normally applicable to any such eligible title that is part of the MOA. The parties are free to discuss an extension of the MOA but absent a written agreement to the contrary, the MOA will expire as outlined herein.
9. Any disputes over the interpretation or application of this MOA that cannot be resolved between a union and OPWDD shall immediately be brought to the attention of the President of the union representing an eligible title to which the MOA is applicable and the Director of GOER (or their respective designees) who will agree upon a resolution of the issue and communicate that to OPWDD for resolution.

Dated: November 22, 2021

For CSEA: \_\_\_\_\_

For GOER: \_\_\_\_\_

For OPWDD: \_\_\_\_\_

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Dated: 1

For PEF:

Debra Greenberg 11.30.21

For GOER:

M. V. J. 11/30/21

For OPWDD:

Amaly 12/01/21

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Dated:

For NYSCOPBA: \_\_\_\_\_

For GOER: \_\_\_\_\_

For OPWDD: \_\_\_\_\_



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Dated:

For Council 82: \_\_\_\_\_

For GOER: \_\_\_\_\_

For OPWDD: \_\_\_\_\_

ATTACHMENT A

Title	Salary Grade	Union	Category
Occupl Therapy Ast 1	11	PEF	Clinical
Rehab Assnt 1	11	PEF	Clinical
Soc Work Assnt 1	12	PEF	Clinical
Habilitatn Spec 1	14	PEF	Clinical
Nurse 1	14	PEF	Clinical
Occupl Therapy Ast 2	14	PEF	Clinical
Physcl Ther Asnt 2	14	PEF	Clinical
Recreation Ther	14	PEF	Clinical
Recreation Worker	14	PEF	Clinical
Rehab Assnt 2	14	PEF	Clinical
Soc Work Assnt 2	14	PEF	Clinical
Soc Work Assnt 2 SL	14	PEF	Clinical
Dietitian 1	16	PEF	Clinical
Nurse 2	16	PEF	Clinical
Psychology Assnt 3	16	PEF	Clinical
Speech Lang Pathgst 1	16	PEF	Clinical
Habilitatn Spec 2	17	PEF	Clinical
Rehab Cnslr 1	17	PEF	Clinical
Senr Recreation Ther	17	PEF	Clinical
Soc Work Assnt 3	17	PEF	Clinical
Soc Work Assnt 3 SL	17	PEF	Clinical
Audiologist 2	18	PEF	Clinical
Dietitian 2	18	PEF	Clinical
Lic Mstr Soc Wrkr 1	18	PEF	Clinical
Senr Occupl Ther	18	PEF	Clinical
Senr Physical Ther	18	PEF	Clinical
Soc Worker 1	18	PEF	Clinical
Speech Lang Pathgst 2	18	PEF	Clinical

**ATTACHMENT A**

Rehab Cnslr 2	19	PEF	Clinical
Head Occupl Therapist	20	PEF	Clinical
Head Physical Ther	20	PEF	Clinical
Head Recreation Ther	20	PEF	Clinical
Lic Mstr Soc Wrkr 2	20	PEF	Clinical
Speech Lan P A Pg C 1	20	PEF	Clinical
Psychologist 1	21	PEF	Clinical
Assoc Psychologist	23	PEF	Clinical
Psychologist 2	23	PEF	Clinical
Speech Lan P A Pg C 2	23	PEF	Clinical
Licensed Psychlgst	25	PEF	Clinical
Fire & Safety Rep	18	PEF	Safety
Disaster Preparedness Prg Rep 2	18	PEF	Safety

