



New York State
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December 30, 2020

Mr. Angelo Riddick
Chief Information Officer
New York State Office of Information Technology Services
Empire State Plaza
P.O. Box 2062
Albany NY 12220-0062

Dear Mr. Riddick:

I write with urgency regarding the continued health and safety of PEF members employed by the Office of Information Technology Services. I realize that as an essential state agency, critical to other agencies' missions, you have a responsibility to ensure continuity of operations at your agency. However, I must impress upon you the importance of hearing and meaningfully addressing the concerns of PEF members, because issues of employee safety and morale are also crucial to continuity of operations for years to come.

The biggest concern we hear from our members at ITS is disappointment, fear and anger due to ITS' failure to continue full-time telecommuting for the approximately 87% of employees who successfully telecommuted from March until August. Additionally, ITS has refused to even engage in a discussion of what a mutually agreeable telecommuting policy could look like if the Statewide agreement expires. PEF has repeatedly asked, since the ITS Forward Plan was published last July, for an explanation as to why ITS continues to bring our members who had successfully telecommuted for many months, back to the office. To date, we have never been provided with an explanation as to why ITS must continue to return people to the physical worksite.

ITS has never claimed there were issues with productivity. We have not seen any counseling or discipline of our members to suggest our members are having difficulty working from home. In fact, the ITS Forward Plan specifically stated that ITS intended to continue telecommuting for the vast majority of ITS employees. As we expected, PEF members have proven they can successfully work from home and still produce at a high level. Moreover, it was, and remains, the safest and most efficient way to reduce density thereby preventing the spread of COVID-19.

Despite the ITS Forward Plan's mantra of "Remote First, Safety First," ITS has proceeded to return approximately 40% of employees to the workplace since August. ITS has not taken any steps to reduce that density as infection rates have risen since the

holiday season began. The seven-day COVID-19 positivity rate in the greater Capital Region, where many of our ITS members work, now creeps well over 8%. It continues to rise, without ITS initiating any counter measures to address this fact, as the ITS Forward Plan suggested would happen.

We urge you to revise your ITS Forward Plan and work with PEF to identify and implement counter measures now that employees are back at work in the wake of a second wave. Such countermeasures may include density reduction in areas that reach certain infection rate thresholds, when a certain percentage of employees are infected, or when agency contact tracing cannot keep up with demand. It could also include voluntary testing as well as setting up an infrastructure to enable employees to receive the vaccine.

Indeed, because ITS insists on having its staff return to the worksite, we must ask that you commit to doing everything in your power to ensure that ITS employees are amongst the first in line to volunteer to obtain the COVID-19 vaccine.

Another critical counter measure is the planning and implementation of real safety protocol enforcement and education. ITS has the unusual challenge of having employees in more than 200 locations around the State. It is therefore incumbent upon ITS to engage in a meaningful and transparent education program both to protect ITS employees and other agencies' employees.

We strongly encourage ITS to develop a COVID education task force to conduct regular safety talks, improve safety protocol adherence, and provide critical information to employees from the CDC, DOH, and other trusted authorities on the topics of transmission risks and best practices. It is in workplaces with such transparency and education that enforcement of protocols has been most successful. Clear and consistent messaging from leadership promotes adherence and enforcement by all employees.

Another critical counter measure and a consistent concern PEF has raised with ITS throughout the pandemic is the need to notify our members when there is a positive case in the workplace. A strategic notification system has the potential to improve the precision of contact tracing. Many of our ITS members are stationed in the worksites of other agencies, such as Tax or OTDA. Both of those agencies provide notifications of a positive case in the worksite. Since ITS refuses to notify its own staff, except through the contact tracing process, our ITS members hear of positive cases secondhand or via rumors causing panic. A notification from ITS would be reassuring rather than inciting further fear. It would show that ITS is taking every step it can to ensure the safety of its staff and our members.

In addition, timely, proper notification to staff and the union of a positive case in a worksite is absolutely critical to a strong COVID control system to identify, trace and isolate exposed individuals to stop the spread of the virus within a workplace. Such notice does not and need not violate HIPAA to be effective.

Further, notice provides ITS an opportunity to reinforce mandates on masking, handwashing, social distancing and other crucial COVID control measures, and reduce the complacency which may cause those systems to fail.

Notice to the Union is also a key component to a strong COVID control plan. By working together, we can help identify and track exposure trends, work cooperatively to provide exposed employees

with important information on ITS policies and union benefits, reinforce the importance of good COVID control measures such as masking, hand hygiene and social distancing, and most of all address the concerns and fears of a stressed workforce.

Please know that PEF will continue to strenuously advocate for the safety and security of our members and will take every possible action to ensure that they and their families stay healthy and safe. Our members at ITS have made it possible for the continued safety of employees at other agencies who are working from home throughout the pandemic. They should be able to be as safe as possible as well.

Your prompt action is desperately needed and greatly appreciated. Do not hesitate to reach out should you wish to discuss further how we can work together to protect the employees, and PEF members, in ITS.

Sincerely,

A handwritten signature in black ink that reads "Wayne Spence". The signature is written in a cursive style with a long, sweeping underline.

Wayne Spence
President