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October 29, 2020

Sheila Poole  
Commissioner, OCFS  
52 Washington Street  
Rensselaer NY 12144  
**VIA EMAIL AND FIRST CLASS MAIL**

Dear Commissioner Poole:

I write to you with grave concerns for the health and safety of my members and all the staff in OCFS, especially in the Division of Juvenile Justice facilities. As you know, congregate settings are particularly vulnerable to outbreaks of COVID, so much so that the NYS Department of Health issued a Health Advisory for All Residential Congregate Facilities ([10/23/2020 DOH Congregate Settings Health Advisory](#)) on limiting visitation to those facilities based on the New York State Micro Cluster Strategy. This strategy is designed to monitor COVID rates across the State and identify outbreaks and designate graduating zones of control measures depending on the level of outbreak ([NYS MicroCluster Strategy](#)).

MicroCluster zones were identified in Broome, Brooklyn, Orange, Queens, and Rockland County, and in the past week, Mid-Hudson and Western NY case rates have increased over 1%. I have also recently learned of a disturbing resurgence of COVID-19 cases in the Finger Lakes Residential Center (FLRC), Brookwood, Columbia Girls and MacCormick Secure Centers, resulting in a high number of youth and staff across the State who have had significant exposures to those who are COVID positive. Sadly, this may be just the beginning.

There were reportedly at least seven youths in quarantine at Brookwood, with three or more staff out; five youths and four staff members who have tested positive for COVID at the Columbia Girls Secure Center; and two COVID positive staff at MacCormick. Further, there are reports that transfers and transitioning youth and those with significant COVID exposure are not cohorted so that they begin and end their 14-day transition or quarantine period together (not introducing a youth into quarantine at different times, thus creating a new exposure for those already quarantining or about to go back into population).

The worst outbreak for staff currently appears to be at FLRC, with at least 20 staff out with confirmed COVID or on quarantine awaiting test results over the past two weeks. The youth COVID rate at FLRC was high enough that visitation for the center was suspended until October 20, 2020.

The COVID rates alone are disturbing enough, but perhaps more concerning is the lack of planning by OCFS for a resurgence, inconsistency of COVID response on the Facility level, limited PPE with gloves and disinfecting wipes scarce or completely unavailable, a reluctance to suspend or modify programs, and the lack of dialogue or cooperation with employee representatives.

At FLRC, a youth who reported feeling ill with COVID-like symptoms was not quarantined or even sent back to his room, but rather sent from sick call back into program, where he purposely coughed on staff present in the room. Three students and a teacher from that program have now reportedly tested positive for COVID from that one contact alone. We also have a member from Brookwood in the ICU for COVID, who because of his job duties worked throughout the facility. Two other staff who worked in closed proximity to him have now tested positive. Who knows how many potential exposures there are from that one case? There needs to be a better way to identify and track potential exposures in the staff and youth population, and use quarantine and medical isolation to protect other youth and staff.

To make matters worse, in an email from FLRC Chief Executive Officer Jeff Caulkins dated October 10, FLRC staff were told they could no longer wear their own face coverings, including N95 respirators, and must wear the procedural masks supplied by the facility. This is in violation of the DOH *Interim Guidance on Executive Order 202.16 Requiring Face Coverings for Public and Private Employees Interacting with the Public During the COVID-19 Outbreak* ([DOH Interim Guidance on Mask Wearing for Public Employees](#)), which provides:

Employees are allowed to use their own face coverings, but shall not be mandated to do so by their employer. **Further, this guidance shall not prevent employees from wearing more protective coverings (e.g. surgical masks, N-95 respirators, or face shields) if the individual is already in possession of such PPE**, or if the employer otherwise requires employees to wear more protective PPE due to the nature of their work (e.g. healthcare).

The email directive prohibits *all* personal face coverings, including gaiters and N95 respirators. While gaiters may be significantly less effective than procedural masks, N95s are much more effective. It makes no sense to prohibit staff from wearing something more effective than is being provided by the employer. Staff must be allowed to wear more protective coverings such as N95 respirators.

An entire wing at Brookwood was reportedly locked down for quarantine of COVID positive or PUI cases. However, teachers are sent into the wing with nothing more than a procedural mask to conduct programs, putting them at great risk for exposure. There must be alternative means to deliver programs to youth on quarantine and medical isolation.

Any staff required to interact with these youth must be provided with N95 respirators in quarantine areas.

While suspending visitation at FLRC was the right thing to do, it does not go nearly far enough. Stricter COVID control measures must be taken immediately to stem the resurgence of the virus in OCFS facilities. We've seen all too clearly the danger of waiting too long to respond to pockets of infections around the country. Correctional and youth detention facilities are at tremendous risk for COVID outbreaks – and once one takes hold, it can easily blaze through an entire facility if not swiftly and strongly controlled.

We do not even know the extent of the outbreaks in these facilities. We should not have to read about outbreaks in the local newspaper or the evening news. Governor Cuomo has said time and again that the key to flattening the curve and driving the COVID rate down in New York is to listen to the experts, follow the facts, follow the science, and follow the data. Our Local Union, Labor Management, Health and Safety Chairs and PEF staff have repeatedly been rebuffed when asking for exposure and COVID rate information for employees and youths. These requests have been made at the local level and Statewide level, and access to the information has been constantly denied. This is information we need to adequately assess the exposure risks to our members in the workplace. Our latest formal request was sent on 10/27/2020 to Associate Commissioner of Human Resources, Mary Carli.

By these actions, OCFS has put the health and safety of their employees, as well as the youth they are charged with caring for, at increased risk from this deadly pandemic.

I and a few of my key staff would like to meet with you early next week to discuss how we may work cooperatively to address these concerns and provide effective COVID controls needed to respond to a resurgence of this virus. This includes: developing a resurgence plan, provision of proper PPE, improved transition and cohort procedures for new and transferring youths, regular and clear communication with Union representatives on COVID activities, and reporting of COVID cases in the youth and employee population.

I look forward to meeting with you to discuss these critical issues.

Sincerely,



Wayne Spence  
President  
NYS Public Employees Federation

cc: Jennifer Voelker, PEF OCFS SW LM Chair  
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