



New York State  
**PUBLIC EMPLOYEES  
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January 4, 2021

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Commissioner Roberta Reardon  
New York State Department of Labor  
Harriman State Campus, Building 12  
Albany NY 12240

Dear Commissioner Reardon:

I write with urgency regarding the continued health and safety of PEF members employed by the Department of Labor (DOL).

I realize you have the extremely difficult task of balancing a variety of competing interests while ensuring the continued safe operations at your agency. However, I must impress upon you the importance of hearing and meaningfully addressing the concerns of PEF members.

The seven-day COVID-19 positivity rate throughout New York State has crept over 5%. However, in the Capital Region, Finger Lakes, and Mohawk Valley Regions, among others, the seven-day COVID-19 positivity rate has risen over 8%. With the rates continuing to rise, it is important that our members at DOL are protected. While DOL has responded to a number of issues we have raised, there are still many outstanding concerns that must be addressed to ensure the safety and health of our members.

The biggest concern we hear from our members at DOL is disappointment, fear, and anger due to the agency's failure to allow our members more flexibility to telecommute. Since May, the UIAB judges are being required to work at the office four days a week. Also, members at the Division of Employments and Workforce Solutions (DEWS) are being required to come into the office once a week to perform task that can be performed completely remotely. At the last labor-management meeting in November, PEF asked for an explanation as to why DOL continues to bring our members back to the office. We were advised that this was a decision made due to the lack of technology available for our members. While we understand this, we are asking the DOL to explore other ways they can grant our members the opportunity to fully work remotely. It simply does not make sense to increase density in the workplace during this period of resurgence of the virus throughout the state. I am therefore requesting that PEF receive weekly updates on what steps have been taken to make it possible for DOL Administrative Law Judges and DEWS to work remotely.

The only way to keep DOL members truly safe at work is to continue to allow them to work remotely. If DOL continues to refuse to allow our members to telecommute to the greatest extent possible, I ask at the very least that you commit to doing everything in your power to ensure that our members are as close to the head of the line as possible to obtain the COVID-19 vaccine.

Our second major concern is DOL's failure to keep PEF and its members up to date on all new information related to COVID. The DOL needs to notify PEF and our members weekly of COVID-19 cases and potential exposures at the DOL, broken down by region. Timely and proper notification to staff and the union of a positive case or potential exposure in a worksite is critical to a strong COVID control system to identify, trace and isolate exposed individuals to stop the spread of the virus within a workplace.

As you know, a single positive case can spread the virus exponentially, especially within crowded workplaces. By providing timely notification of a positive case within a workplace, contact tracing is more effective as employees can then self-report if they believe they have been exposed, thus preventing further exposure. With notice, employees also have an important opportunity to take additional measures to protect themselves especially when, in some situations, DOL may deem an exposed and asymptomatic employee crucial to operations and return them to the workplace before the expiration of the traditional quarantine period. In those cases, it is important that those employees are not mixed in with other employees who did not have exposure, nor should they have contact anyone who may be high-risk for COVID complications.

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 DOL continue to come to work, even though they are performing tasks in the office that they can perform remotely.

Your prompt action is desperately needed and greatly appreciated. I am happy to speak with you at any time to discuss how we can work together to protect the PEF members and all employees in the Department of Labor.

Sincerely,

A handwritten signature in cursive script that reads "Wayne Spence".

Wayne Spence  
President,  
NYS Public Employees Federation, AFL-CIO

WS/em