



New York State
**PUBLIC EMPLOYEES
FEDERATION AFL-CIO**
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April 22, 2020

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Christopher Buman
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Commissioner Theodore Kastner
Office for People with Developmental Disabilities
44 Holland Avenue
Albany, New York 12229

Dear Commissioner Kastner:

I write to you with a heavy heart as I was just informed another one of my members employed by OPWDD passed away from COVID-19: this time, a doctor in Brooklyn, who selflessly put himself in harm's way simply by caring for his patients. As you recall, I wrote to you on April 8, whereby I pleaded for OPWDD to make simple changes that would assist in protecting both staff and clients of OPWDD. Today I write to you again, pleading for your help. It is imperative that we work together to secure the health and well-being of PEF members who work for OPWDD.

The COVID-19 positive cases within OPWDD are skyrocketing and my members, through their unselfish service, are getting sick. Every day I hear more and more PEF members who work for OPWDD are testing positive for Coronavirus, above and beyond the four hundred plus COVID-19 positive cases of individuals and staff already reported. PEF leaders and staff are continuously receiving calls and emails from PEF members, especially from our frontline Habilitation Specialist and Nurses, who are increasingly fearful because they are routinely being put into overcrowded work sites, which increases the risk of COVID-19 transmissions and exposure during this pandemic.

We thank you for the guidance regarding Nurse telecommuting and ways to remotely provide day habilitation services. Unfortunately, these guidelines have not filtered down to all of the local DDSO directors. We continue to receive reports that certain DDSO's, including Long Island, Finger Lakes, Staten Island, Western, Broome, Brooklyn, Bernard Fineson and Hudson Valley, are broadly refusing to approve any type of telecommuting applications for Habilitation Specialists or Nurses, stating that they are needed in the homes and that this is the direction from Central Office (which members or your executive team claim is not the case). This is in spite of the fact that many of their functions can be done remotely and that they are readily available to respond to the group homes if needed for any emergent issues. In many cases, management is not even responding to the requests or providing a justification for the denials.

It is shocking and extremely upsetting that during a global pandemic, and five weeks since this crisis began, our members are still being directed to report to and/or asked to provide non-critical services in overcrowded group homes or sit in close proximity to other staff in shared office spaces. State workers, and those in the care of the State, are dying. This is no



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longer a wait-and-see situation. You must act. Social distancing and allowing employees to work remotely is saving lives.

We are hearing over and over from our members in locations all around the state that the number of staff assigned to work in group homes is well above what is necessary to care for individuals. In some cases where it is physically impossible to socially distance, as recommended by the CDC, Department of Health and the Governor during his daily briefings, staff are practically working on top of one another. The problem is widespread and systemic in DDSOs that have placed all Habilitation Specialists in the houses five days a week.

It is clear that putting more staff in group homes and increasing density and contacts unnecessarily increases risk to our members and the individuals they serve. I am imploring you once again to please reconsider these unreasonable denials for telecommuting. While we understand that in certain situations, some on-site staffing is necessary to maintain the critical health and safety needs of the individuals, this should not be done to provide non-critical programming and day habilitation billing. While providing some normalcy for the individuals makes sense, keeping programming business as usual adds significant unnecessary risk.

Every extra body the agency directs to be on site has the potential for causing a preventable spread of the virus. These managerial decisions do not seem based in science and common sense, and are especially concerning given that members are reporting that there is still not sufficient access to PPE nor timely quarantine notices. We have been contacted by members who worked several hours in a home before being notified that they are working with someone, coworker or individual, who is suspected positive for COVID-19, some of whom have since tested positive. Our members are still being told, as of this past week, that they don't need to routinely wear a mask, despite the governor's and agency guidelines. We have also heard that when members have been provided a mask, they have been directed by their supervisors to place it in a paper bag and reuse for extended periods, sometimes as long as a week. We assert that this is neither safe nor in compliance with recommended guidelines.

PEF continues to request that you direct DDSO administrators to approve as many clinical staff as possible to telecommute, even if on a partial basis. There is no logical reason why they should be prohibited from telecommuting on days when there is not an urgent need for them to be in the houses. We greatly appreciate that some DDSO's such as Capitol, Taconic and Sunmount have willingly implemented flexible telecommuting models which have been successful. Members report calling the homes daily, participating in meetings, reviewing data and goals and providing staff with action plans and safeguard summaries, and are available to support individuals as needed. We are asking that your administration support this model, which balances services and safety, in all DDSO regions of the state.



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PEF remains committed to working with OPWDD to ensure the safety of our members, and the individuals they serve. We are well aware that this is an extremely fluid situation and that all sides are working extremely hard, but we emphatically request OPWDD reconsider their approach in regards to the above concerns and do everything possible to maximize alternate means of service delivery that conform to social distancing and risk mitigation guidelines.

I am urging you to contact me directly at 516-761-9762 by COB on 4/22/20 to discuss this further. What we do today will determine what happens tomorrow, and we cannot take a wait-and-see approach while lives are at stake.

Sincerely,

Wayne Spence,
President, Public Employees Federation