



New York State  
**PUBLIC EMPLOYEES  
FEDERATION AFL-CIO**  
1168-70 Troy-Schenectady Road  
P.O. Box 12414  
Albany, NY 12212-2414

(518) 785-1900  
(800) 342-4306  
Fax (518) 785-1814

**OFFICERS:**

January 4, 2021

Wayne Spence  
*President*

Commissioner Theodore Kastner, M.D.  
New York State Office for People with Developmental Disabilities  
44 Holland Avenue  
Albany NY 12229

Kay Alison Wilkie  
*Secretary-Treasurer*

Sharon V. DeSilva  
Randi DiAntonio  
*Vice Presidents*

**REGIONAL  
COORDINATORS:**

Dear Commissioner Kastner:

Michele Silsby  
*Region 1*

I write with urgency regarding the continued health and safety of PEF members employed by the Office for People with Developmental Disabilities (OPWDD).

Andrew Puleo  
*Region 2*

*Vacant*  
*Region 3*

I realize that as an essential state agency you have a responsibility to ensure that New Yorkers with developmental disabilities continue to receive vital services throughout the pandemic. Our PEF members share these goals and have, as you have observed, risen to the occasion to continue providing exceptional care and services despite the myriad of challenges faced by all this year. 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 the continuity of services provided to the greater OPWDD community.

Roberta (Bobbi) Stafford  
*Region 4*

David Dubofsky  
*Region 5*

Victoria Stockton  
*Region 6 Advocate*  
*Region 6*

Virginia (Gini) Davey  
*Region 7*

Michael Blue  
*Region 8*

Diane Jaulus  
*Region 9*

Darlene Williams  
*Region 10*

Bernadette O'Connor  
*Region 11*

On April 8, 2020, we sent you a lengthy request to meet and work with us to address the safety needs of our members. The major topics were communication, programs/houses, essential/non-essential, telecommuting, COVID-19 reporting, and PPE. Many of our requests were taken seriously by OPWDD and increased communication and problem solving regarding those issues occurred initially, but recently transparency and L/M communication has decreased. For example, from November 19th we were not provided with new statewide COVID positive numbers for staff until December 31st. Local and Statewide L/M COVID meetings have decreased significantly. As we are now in what is turning out to be the height of the pandemic, we ask for increased transparency and communication.

Nora Higgins  
*Region 12*

**TRUSTEES:**  
Christopher Buman  
Jeanette Santos  
Maddie Shannon-Roberts

As of November 19, 2020 a staggering amount of positive cases were reported statewide: 1,190 staff had tested positive with 9 deaths and 572 positive service recipients with 53 deaths. As of December 31, 2020 the numbers increased to 1500 state staff positives and 1,091 positive service recipients with 63 deaths. Also, for example, at Finger Lakes DDSO (FLDDSO) the latest numbers we have indicate that 213 staff (PEF and CSEA) have tested positive, 328 tested negative and 65 service recipients have tested positive. These numbers, albeit staggering, unfortunately may be deflated due to the lack of a testing program. Thus, they are based only on staff that have voluntarily obtained testing and tested positive. Many service recipients are not tested even when showing signs and symptoms.

Examples of increased COVID rates include that out of 150 or so FLDDSO homes, currently 41 are in precautionary quarantine while 14 are in mandatory quarantine. Additionally, Western DDSO, which has far fewer homes than FLDDSO, has 25 homes under mandatory quarantine and 17 under precautionary quarantine. Each of these homes has PEF Habilitation Specialists present daily and Nurses present regularly. With such high numbers we fear it will soon be expected, under DOH essential personnel regulations, that positive staff will be required to work in these homes as long as they are not showing signs and symptoms.

Despite the increased spread of the virus, OPWDD has failed to provide adequate protection to PEF members working with COVID positive or suspected positive service recipients. Since the onset of this pandemic, PEF has been advocating for the use of N95 masks. Over the course of the pandemic, OPWDD has provided various reasons for not using these masks, ranging from them not being available, to allegedly only having inferior quality masks. Thereafter, once OPWDD was able to source N95s, they were neither readily available to staff working with suspected or confirmed COVID-positive service recipients, nor was fit-testing provided to ensure that they would provide the protection necessary to avoid further infection. PEF has been demanding fit testing since May. We remain disappointed that OPWDD has not made progress in this crucial area.

At our last meeting, OPWDD asserted it provided N95 masks to everyone that wanted one, and that it is following CDC guidelines that indicate that N95s are only necessary when conducting medical procedures involving aerosols. First, we are unaware of these masks being readily provided to staff, and further per the PESH Respiratory Standard, N95s are necessary in many circumstances other than just aerosolizing procedures. OPWDD further announced that it will now begin fit testing in each DDSO in a month, or so, when it obtains equipment to do so, despite PEF offering potential solutions including providing fit test train-the-trainer and immediate fit testing. We again reiterate our urgent demand for immediate fit testing or that OPWDD explore potential alternatives with PEF that will allow for immediate fit testing so that staff can utilize these N95 masks now.

We ask that OPWDD renew its commitment both on the state and local level to engage in clear and immediate communication and notice of positive COVID staff and service recipient levels. This 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 OPWDD 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. COVID cleaning protocols have also been very sporadic.

We would further request that OPWDD work with PEF to negotiate testing protocols that will provide easy and accessible testing for staff. We believe it is absolutely imperative to have accurate, regular and accessible testing in order to fully identify the spread of the virus within the agency, and facilities which will assist both sides in formulating combative and preventive plans of actions.

We strongly encourage OPWDD to increase its efforts of filling Habilitation Specialist and Nurse positions and other direct care staff vacancies, as we understand they are health and safety titles that can be currently approved by the Division of Budget. Other PEF clinical titles that work directly with service recipients also need to be backfilled at least back to pre-pandemic levels. These are titles that OPWDD is always behind in hiring, and they are in even greater need of during this pandemic. The work of our Habilitation Specialists and Nurses deserve recognition and respect. We are very

concerned that the lack of effort to fill these positions has created an excuse to decrease state services throughout the state.

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 OPWDD have put themselves and their families' health at risk to protect the health of the most vulnerable. These workers should be able to be as safe as possible as well.

Moving forward we will be focusing on continuing to work with management to address the day to day issues facing our members during this heightened COVID pandemic period, including: the vaccine rollout, OPWDD pandemic plan, increased testing, increasing communication to do real time problem solving as programs and services evolve, proper cleaning protocols, use of telecommuting and other density decreasing measures, and access to fit tested N95s and other PPE. Please make your local managers available to problem solve with PEF regarding these matters.

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 OPWDD.

Sincerely,

A handwritten signature in black ink that reads "Wayne Spence". The signature is written in a cursive, flowing style.

Wayne Spence  
President  
NYS Public Employees Federation, AFL-CIO

WS/em