



New York State
**PUBLIC EMPLOYEES
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December 31, 2020

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**REGIONAL
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Michele Silsby
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Executive Director Woods:

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Region 2

I write with urgency regarding the continued health and safety of PEF members employed by the Workers' Compensation Board. 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.

Vacant
Region 3

Roberta (Bobbi) Stafford
Region 4

David Dubofsky
Region 5

The biggest concern we hear from our members at WCB is disappointment, fear, and anger due to WCB's failure to continue full-time telecommuting. At the last labor-management meeting in November, PEF asked for an explanation as to why WCB continues to bring our members back to the office. We were advised that this was a decision made at the Executive level at WCB. To date, we have never been provided with an explanation as to why WCB must continue to return people to the physical worksite.

Victoria Stockton
Region 6 Advocate
Region 6

Virginia (Gini) Davey
Region 7

Michael Blue
Region 8

WCB 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. What we have seen is the seven-day COVID-19 positivity rate throughout New York State, creep over 5%. However, in the Capital, Finger Lakes, and Mohawk Valley Regions, where many of our WCB members work, the seven-day COVID-19 positivity rate has crept over 8%. We have also seen WCB refuse to develop a mutually acceptable telecommuting agreement should the statewide telecommuting agreement expire. Prior to WCB's re-opening order, all hearings went virtual back in March of this year and all hearings continue to be held virtually. Why is WCB management insisting on having our membership come back into the worksites ahead of the expiration of the telecommuting agreement. Why is WCB mandating that employees/members return to the building when they have been able to successfully work from home since the pandemic began in March?

Diane Jaulus
Region 9

Darlene Williams
Region 10

Bernadette O'Connor
Region 11

Nora Higgins
Region 12

TRUSTEES:

Christopher Buman
Jeanette Santos
Maddie Shannon-Roberts

The only way to keep WCB members truly safe at work is to continue to allow them to work from home. If WCB continues to refuse to allow our members to telecommute to the greatest extent possible, we ask that you commit to doing everything in your power to ensure our members are as close to the beginning of the line as possible to volunteer to obtain the COVID-19 vaccine.

According to the World Health Organization, COVID-19 can be airborne indoors and the CDC claims, “Protective ventilation practices and interventions can reduce the airborne concentration.” In addressing the two facts, our second concern is over WCB’s failure to inform on the safety measures being taken in all office buildings. PEF members have not been receiving adequate cleaning logs. There has been a continued lack of information on the filters in all the office buildings, the ventilation rates including fresh air intake, how often ventilation ducts are cleaned, etc.

In addition, since the mandated return to work order on October 28, 2020, we are now over 20% positive COVID cases in the 328 State Street office in Schenectady, NY. We mandated 50 employees return to the building and as of the date of this letter, 11 have already tested positive. Buffalo also has one known confirmed case. WCB has continue to be silent on their contingency plan in the event of members contracting COVID-19. We need a response to this question if we are to return to the buildings safely. 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 WCB 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 WCB 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 WCB.

Sincerely,

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

Wayne Spence
President

WS/em