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April 8, 2020

VIA EMAIL AND FIRST CLASS MAIL

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

Dear Commissioner Kastner:

The Public Employees Federation, AFL-CIO, is writing you to follow up on our concerns regarding OPWDD's response to the COVID-19 pandemic. As you well know, PEF members employed by OPWDD are dedicated to their work and often put themselves last and the people they care for first. Our members work for OPWDD with pride and find their line of work to be deeply fulfilling on both a personal and professional level. Thus, we write to you not only to protect employees' health and safety, but also on behalf of our members who are the "voice for the voiceless" for those OPWDD serves who cannot adequately advocate for their needs.

As a preliminary matter, PEF is deeply concerned with the limited communications provided to our members, leaders and staff regarding their concerns. As reflected in the daily press conferences by Governor Cuomo, we are not yet at the apex of this pandemic. Thus, time is of the extreme essence to make changes to OPWDD operations in order to protect our members and the community OPWDD serves.

Our main issues are as follows:

- **Communication:** Up until recently, there had been minimal communication from OPWDD to PEF initiated by OPWDD, beyond forwarding an occasional guideline. We appreciate that as of last week we have begun to have weekly conference calls on a statewide level but there are no management representatives from state operations on the call. Communicating only with HR about issues that they have no first hand knowledge of is not sufficient. Please assign a statewide decision maker from operations to dialogue with us at these meetings. Local DDSOs are also establishing weekly meetings with our leaders. Thank you. Please ensure that a Director or Deputy Director level local decision makers participate in those meetings. We have asked our leaders to keep those meetings efficient and focused on issues related to the COVID-19 crisis. Establishing a dialogue with these decision makers will help change perceptions from employees that feel unsafe and undervalued. Many times in these local meetings



the only response is that “this is directed by Central Office” or “We are waiting for Albany to send us guidelines”. We need dialogue not just statements. PEF is requesting that OPWDD emphasize the importance of local labor/management meetings, including DDSO and DDRO directors to partner with PEF to discuss issues, solutions and prevention.

- **Programs/Houses:** Thank you for halting individuals traveling in groups to attend group programming at program sites. While that was good, moving Habilitation Specialists to the houses to provide the same face to face programming/billing for services is not. We understand on site staffing to maintain the critical health and safety needs of the individuals. Unfortunately, there are many houses across the state that are staffed beyond minimums, in order to provide business as usual programming/billing. Many of these homes don't have sufficient PPEs either. Maintaining social distancing is not possible. This increases likelihood of the individuals and employees becoming infected and spreading the virus. This is an unnecessary risk. Other employees like nurses should only be in the house for emergent issues. Almost all Day Habilitation programming and nursing services can be done through the use of technology, such as telehealth, on a short term basis. Every extra body on site has the potential for causing a preventable spread of the virus.
- **Essential/Non-Essential:** There is a huge difference in what is essential in a pandemic and what is essential other times. During this crisis we request that staff, be directed to work from home, when its' practicable, to contain the spreading of the virus. Essential functions can be done remotely and should as much as possible.
- **Telecommuting:** We are thankful for the increased telecommuting approvals from OPWDD but PEF asserts that many more employees can work effectively from home. Even DDSOs that were proactive in allowing as many employees to telecommute as possible are beginning to pull back on some telecommuting at what is reported as at the direction of the Commissioner. Even titles like Habilitation Specialists and Nurses should be allowed to telecommute on days there is not an emergent need for them to be in the houses. These titles have been told not to even bother applying for telecommuting. Having clinical employees like nurses sitting in office settings with other employees increases the risk to acquire or spread the virus. They can telecommute when it is not necessary for them to be in the houses or be onsite. They are a phone call away. Employees with high risk factors should also be given telecommuting options to protect them and others with or without a reasonable accommodation.
- **COVID19 Reporting:** We continue to request but have not received daily reports of all work sites that have someone diagnosed or under investigation for the virus. This information is vital for all persons to stay safe and control the spread of this infectious disease. This would also not leave information to the rumor mill or help spread fear that things are being hidden from them. Strict due diligence to maintain safe practices and

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use of PPEs in houses with COVID 19 restrictions has to be a top priority. We should all be paying attention to absolute adherence to safety protocols in COVID 19 restricted areas. If employees believe their safety is a top priority they will be there when needed.

- Personal Protective Equipment (PPE): there is a shortage of PPE and cleaning/disinfecting supplies reported at many sites. Members are experiencing critically low supplies to no supplies of N-95s, face masks, face shields, gloves, and gowns, along with hand sanitizer. They are also being told they are not permitted to wear their own masks. This has been the second most reported concern we are hearing from PEF Members. What is your plan to get the necessary PPE and cleaning supplies to the places they are needed?

PEF appreciates that since our last correspondence there have been changes to increase webinar, instead of face to face, training of new employees. We recognize the importance of hiring new staff even during this pandemic. To decrease the risks of transmission as they enter the workforce, we recommend new employees be cohorted for 2 weeks to allow an opportunity for COVID-19 to be detected before being disbursed into on the job training at various worksites.

PEF is committed to working with OPWDD to ensure the safety of its members, and the individuals they serve are protected during this difficult time. The nature of the pandemic, available resources, and needs of the community all change on a daily basis. We are cognizant that this is an extremely taxing, difficult time and that all sides are working extremely hard. We offer this letter to provide common sense solutions to what our members on the ground are facing every day.

We need OPWDD to work with us to implement these changes immediately. We cannot take a “wait and see” approach with this virus.

We look forward to your prompt response.

Sincerely,



Wayne Spence

President, New York State Public Employees Federation, AFL-CIO

cc: Renee L. Delgado, Esq

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