



Monroe County Legislature

Black and Asian Democratic Caucus

CALVIN LEE, JR.
Legislator – District 25

SABRINA LAMAR
Assistant Leader – District 27

FRANK KEOPHETLASY
Legislator – District 28

ERNEST FLAGLER-MITCHELL
Leader – District 29

To the Honorable Janson D. McNair, Director
Monroe County Office of Public Integrity
Times Square Building
44 Exchange Boulevard #888
Rochester, NY 14614

April 14, 2021

Director McNair,

It has come to our attention that employees of Monroe Community Hospital have been overworked to the point of exhaustion and are not able to complete their duties to the best of their abilities. They also claim a hostile work environment and a lack of suitable working and living conditions for patients when it is cold. They were also told “this is the new norm” when it comes to these things and that is disturbing. This is unacceptable and we are calling for the Office of Public Integrity to look into these claims. MCH employees must be supported and allowed to function as well as they can, for their safety as well as the safety of MCH patients.

We ask that you investigate the following:

- 1) If workers have been provided PPE from the beginning of the pandemic;
- 2) How many staff have been let go since the beginning of the pandemic;
- 3) How many staff and residents contracted and how many residents died of COVID;
- 4) The heating and working conditions;
- 5) If the MCH administration knew about these allegations and have they created remedies to these problems; and
- 6) Give a timeframe for this investigation to be completed

Please report your findings to the County Legislature when your investigation is complete. Thank you.

Sincerely,

Calvin Lee, Jr.

Sabrina LaMar

Frank Keophetlasy

Ernest Flagler-Mitchell

XC: Dr. Joe Carbone, President of the Monroe County Legislature
Jack Moffitt, Clerk of the Monroe County Legislature
Adam Bello, Monroe County Executive



OFFICE OF PUBLIC INTEGRITY

Janson D. McNair, Director

June 3, 2021

Monroe County Legislature
Black and Asian Democratic Caucus
39 W. Main Street
Rochester, NY 14624

Dear Democratic Caucus:

This letter is in response to the letter of complaint that was sent to Director Janson McNair at the Monroe County Office of Public Integrity (OPI) on April 14, 2021. Your letter states it was brought to your attention that numerous employees of Monroe Community Hospital complained that they have been overworked, there have been staff shortages, and a lack of PPE equipment caused by Covid-19.

This is a summary of questions received and the steps OPI took to answer them.

- Have MCH workers been provided with personal protective equipment from the beginning of the pandemic?

OPI requested and received HERDS reports showing usage and stockpile of equipment, and request and fulfillment orders to the Monroe County PPE coordinator at the Office of Emergency Management. Although there was a critical shortage industry wide and MCH, according to their HERDS reporting, fell below the 60 day recommended stockpile and on some days there is no evidence that workers were ever denied or unable to obtain PPE. OPI also attempted to interview the complainant and numerous former employees to gain further insight into this issue. While OPI was unable to interview the original complainant, three interviews with former employees were conducted. Of those, one indicated she was forced to reuse PPE for a week at a time.

- How many staff have been let go since the beginning of the pandemic?

OPI obtained a report from MCH Human Resources listing all new hires and separations during the period of March 2019 to April 2021. The report for March 2019 to April of 2020 indicates 330 people left employment at MCH and 333 were hired in that timeframe. The report from March 2020 to April 2021 shows 433 left employment and 333 were hired. While high turnover is common at MCH, the reports indicate there was a net loss of employees during the pandemic. These numbers include administrative and food service personnel in addition to patient care staff.



- How many staff and residents contracted and how many residents died from Covid-19?

OPI reviewed the NYSDOH publicly available report between March 2020 and April 19, 2021. The NYSDOH reported 13 Covid-19 resident deaths from MCH. According to the Center for Medicaid and Medicare services there were 107 confirmed resident cases, 18 resident deaths, and 214 confirmed staff cases with 0 staff deaths.

- What are the heat and working conditions?

Heating complaints are common at MCH, both too hot and too cold, and the complaints are year round. OPI researched the Federal standard for heating and cooling in nursing homes, and found it is a mandate that temperatures be maintained between 71 and 81 degrees Fahrenheit. OPI contacted DES and found that there were no interruptions to heating or electrical systems at the hospital during the pandemic. OPI obtained a listing of all maintenance requests at MCH from March 2020 to April 2021. OPI also interviewed 3 former employees, and could not document any complaints of patients being left too cold or too hot. Most of the heating and cooling complaints seemed to be subjective (i.e. an employee wearing protective gear feeling too hot in an 80 degree room) and short term. Director of maintenance R. Camilleri related that any case of loss of heating or air conditioning lasting over 4 hours has to be reported to NYSDOH, and there were no such reports submitted during the March 2020 to April 2021 time frame.

While "working conditions" is a broad complaint OPI finds no evidence that the facility is out of compliance for use standards. While extra hours were most likely required from employees during this time, there is no evidence that any of it was unpaid, as stated in the letter. OPI would note that certain labor agreements in Monroe County do state that employees will be paid for overtime only after they work 40 hours, not necessarily for working more than 8 hours in a day. This means that an employee could work a double shift- possibly mandated- and without contractual violation be paid straight time.

- If the MCH administration knew about these issues, what did they do to address them?

OPI interviews with Director Tallo and Director of Human Resources Christine O'Dell gave insight into two aspects of the hospital administrations response to the pandemic.

First, like most health care facilities, the administration attempted to secure adequate PPE in accordance with NYSDOH and CDC guidelines by procuring PPE both through regular county sources, through OEM and by private purchases. These appeared mostly successful.

MCH administration also identified issues in relation to hiring and retaining staff and took proactive steps.

First MCH, labor unions and Monroe County began to review and compare wage scales for direct patient care employees with the rest of the industry. After finding a deficiency in wages offered, agreements were worked out between those parties to raise wages so to be more competitive when hiring.

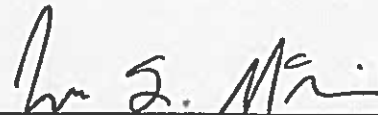
Second MCH began using multiple locations and platforms to advertise job openings in an attempt to deepen their hiring pool.

Third MCH used a temporary service to add employees during severe staff shortages.

Please know that it is our goal here at OPI to thoroughly investigate all complaints that are submitted to this office, and we are committed to maintaining a high degree of ethics in Monroe County government.

If you would like further information about the review of this complaint please contact the Office of Public Integrity at (585) 753-3100 during normal business hours.

Sincerely,



Jason D. McNair
Director