



STEFAN I. MYCHAJLIW
ERIE COUNTY COMPTROLLER

February 1, 2021

Commissioner Roberta Reardon
New York State Department of Labor
P.O. Box 15130
Albany, NY 12212-5130

Dear Commissioner Reardon,

It has come to my attention that another of the unfortunate and unintended consequences of the pandemic is a workers' ability to collect the required Family and Medical Leave Act (FMLA) hours to qualify for this desperately needed benefit. With so many workers struggling with illness and other important family responsibilities, FMLA is a critical tool to assist those trying to survive and thrive during this COVID pandemic.

Some employees at the Ford Stamping Plant in Hamburg, New York encountered an issue recently when filing for FMLA. First and foremost, it is critically important we support union employees that work incredibly hard producing American made parts and products. The Coronavirus crisis initially forced the shutdown of many companies and factories across the country, as medical experts and government leaders determined what proper measures to put in place. The result of this short-term mandatory closure meant many workers lost out on the necessary hours to qualify for FMLA.

At the Ford Stamping Plant, it is our understanding that this resulted in 320 lost employment hours during the shutdown of March and April. Union employees had nothing to do with this closure, yet they are facing negative consequences because of this decision. New York State requires 1,250 hours of service for the employer during the 12-month period immediately preceding the leave. But if an employee missed up to eight weeks of work hours through no fault of their own, it was mathematically impossible to meet that FMLA threshold in 2020.

This pandemic and closure crisis caused a great deal of turmoil and economic challenges, and the American worker is stuck in the middle, trying to stay afloat, pay their bills and feed their families. Can you please tell me what the New York State Labor Department is doing to address this very serious issue? These highly skilled and valuable union employees have put in the work necessary to earn this time, and because of circumstances beyond their control, they were unable to meet the mandatory hours.

These workers should not have to worry about how they will care for their families, when they are already overburdened with the struggles and challenges this pandemic has brought. Please consider all options that would help workers not only at the Ford Stamping Plant, but across New York State, achieve the qualifications to be able to receive FMLA benefits. I appreciate your prompt attention to this matter. Thank you for the consideration.

Sincerely,

Hon. Stefan I. Mychajliw Jr.
ERIE COUNTY COMPTROLLER

CC: Mr. Adam Sassone, Director of Western New York Operations, NYS Department of Labor
Hon. Sean Ryan, NYS Senate
Hon. Jonathan Rivera, NYS Assembly