



ERIE COUNTY COMPTROLLER
HON. STEFAN I. MYCHAJLIW

November 11, 2020

Timothy Hogues
Commissioner, Department of Personnel
95 Franklin Street, 11th Floor
Buffalo, New York 14202

Dear Commissioner Hogues:

Through our whistleblower process, we have received concerns regarding a positive COVID-19 test by a Parks Department employee. This was later confirmed in an email from Parks Commissioner Troy Schinzel to a few employees, where he stated "our colleague is resting at home, and we send our best wishes for a speedy recovery."

The caller also stated that this parks employee, stationed at Como Park, recently bragged about being at a large Halloween party, where social distancing and other COVID-19 safety measures were not practiced. While the bravado at first annoyed some co-workers, the annoyance soon turned to concern when the co-worker tested positive for COVID-19. Although emails sent to Parks Department employees by the Deputy Commissioner for Parks outlining new and/or enhanced safety measures answered some questions, they did not answer all of their questions. Questions remaining and posed to me included:

- Will employees be paid for time-off due to a positive COVID-19 test, even if the employee became ill through his or her own recklessness?
- Will employees who test positive be given the opportunity to work from home?
- If unable to perform in-title work from home, will employees testing positive still be paid?
- Will employees have to exhaust accrued time, or will they be paid separately from accrued time?
- What steps are being taken to prevent the spread of the current COVID-19 case, including, but not limited to, the extent of contact tracing?

In addition to the above questions, there was concern that the case might be downplayed in such a way to avoid potentially negative publicity. Such steps might include limiting information to co-workers about the case, or the avoidance of proceeding with progressive discipline, if appropriate. The reason for this concern is that the infected employee is a direct relative of a very high-ranking Erie County official.

I would appreciate answers to the above questions and concerns, as well as any other guidance that you may feel would be helpful in addressing the whistleblower's concerns. Thank you for your prompt attention to this very serious matter.

Sincerely,

Stefan I. Mychajliw, Jr.
Erie County Comptroller

cc: Dr. Gale Burstein, Health Commissioner
Troy Schinzel, Parks Commissioner