



New York State  
**PUBLIC EMPLOYEES  
FEDERATION AFL-CIO**

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January 11, 2011

Ms. Lee Ryan  
Director of Human Resources  
NYS Office of Temporary and Disability Assistance  
40 North Pearl Street  
Albany, NY 12243

Dear Ms. Ryan:

I am writing to you regarding the assignment of the Disability Analysts to follow, police, and supervise the cleaning crews hired by the landlords of the various DDD leased space around the state.

As I understand the circumstances of the new assignment of these duties to our bargaining unit members, sometime in early December 2010, a subcontractor working on a Source Corps computer (not a NYS owned computer) doing repair work, was able to access and download sensitive Federal information in the Albany DDD office. As a result of that theft of information, DDD from that point forward has required Disability Analysts, Grade 23 and above to follow around, monitor and police all cleaning personnel daily in each DDD worksite around the State.

In prior e-mail correspondence you have informed PEF that OTDA and DDD have no security system in place which covers non-state employees who may work at your DDD worksites, nor does OGS, because your security policies only apply to state employees, not to any non-state employees on your premises. There are no fingerprinting, background checks or any other mechanism to insure that cleaners, sub-contractors who are hired by the landlords who own the space that you and OGS rent do not have prior criminal records.

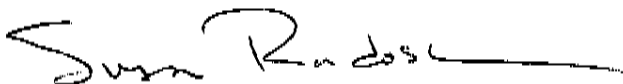
It is troubling that OTDA has no security mechanisms it can employ besides Disability Analysts on patrol while cleaners and repair people are at work. It is shocking that the Office of General Services when contracting with landlords who rent space to DDD are not required to provide some degree of guarantee that the

cleaning staff does not pose a danger or threat to State and Federal security of information.

PEF has reviewed the NYS Department of Civil Service duty description for Disability Analyst Grade 23 and above who have been given the policing of the cleaners as a work assignment. Nowhere in that description does it give this title authority over non-state workers cleaning DDD offices, nor does it even describe this policing duty. PEF believes that the policing of the cleaning crews by the DA staff is so far outside the scope of duty description for the DA that the assignment is a breach of the Taylor Law as well as out-of-title work. In no way can this duty be described as falling within the inherent nature of the employment involved in being a Disability Analyst and is therefore a mandatory subject of bargaining under the Taylor Law.

For these reasons, we demand that OTDA cease and desist assigning these duties to the DA staff statewide by January 26, 2011.

Very truly,

A handwritten signature in black ink that reads "Susan Radosh". The signature is written in a cursive style with a long horizontal line extending to the right.

Susan Radosh  
PEF Field Representative

Cc: James Kemenash  
Maddie Shannon-Roberts  
Richard Fletcher