



New York State Correctional Officers & Police Benevolent Association, Inc.

102 Hackett Blvd., Albany, NY 12209
(518) 427-1551 www.nyscopba.org nyscopba@nyscopba.org



April 16, 2020

President
Michael B. Powers

Executive Vice President
Tammy Sawchuk

Recording Secretary
Chris Summers

Treasurer
Frank Gilbo

Vice President,
Northern Region
John Roberts

Vice President,
Mid-Hudson Region
Michael Mazzella

Vice President,
Law Enforcement
John Harmon, Jr.

Vice President,
Central Region
Bryan Hluska

Vice President,
Western Region
Mark DeBurgomaster

Vice President,
Southern Region
David Luther

Anthony J. Annucci, Acting Commissioner
New York State Department of Corrections and Community Supervision
The Harriman State Campus – Bldg. 9
1220 Washington Avenue
Albany, NY 12226-2050

Dear Commissioner Annucci:

I am writing to you regarding a matter of significant concern for all the members of the New York State Correctional Officers and Police Benevolent Association, Inc. ("NYSCOPBA"). It has come to our attention that correctional facilities are refusing to accept Employee Accident/Injury Report (DOCCS Dir. 2208A, Attachment "D") Forms from members with suspected or confirmed COVID-19 infections.

The refusal to accept these forms is a violation of New York State Law. Specifically, Workers' Compensation Law Section 110 requires an employer to record any injury or illness incurred by its employees in the course of employment. The law further requires that the employer provide the employee with a form to complete an accident or occupational disease report. In DOCCS' case, this is the standard form Employee Accident/Injury Report. Failure to provide such form, or failure to maintain records as required by Workers' Compensation Law Section 110 is a crime - a misdemeanor, punishable by a fine of not more than one thousand dollars. Furthermore, the Workers' Compensation Board may impose a penalty of not more than one thousand five hundred dollars upon an employer who refuses or neglects to make such report. (See WCL section 110(4)).

By refusing to accept the Employee Accident/Injury Report, DOCCS is compromising our members' ability to file Workers' Compensation claims. This conduct carries both civil and criminal penalties.

Accordingly, we request that you direct all correctional facilities to continue to accept Employee Accident/Injury Reports from NYSCOPBA members claiming a work related COVID-19 illness/injury as they have done prior to the COVID-19 pandemic.

Sincerely,

Michael B. Powers
President

cc: Daniel Martuscello, Executive Deputy Commissioner - DOCCS
Cathy Sheehan Esq. - DOCCS Counsel's Office