

OPINION

Nursing home crisis demands independent scrutiny



Tom O'Mara

As early as the first week in May, a little over one month into New York's COVID-19 shutdown, I began calling for an independent investigation into the crisis unfolding in state-regulated nursing homes – a crisis which has now claimed over 6,000 lives.

At that point, remember, Governor Andrew Cuomo himself had directed the state Attorney General and his own Department of Health (DOH) to open an investigation. This in-house investigation, according to the state health commissioner late last week, remains ongoing. Needless to say, its independence is automatically called into question since DOH was directly involved in creating the directives being examined.

On May 6 I wrote, "Our efforts on the front lines of this nursing home crisis and tragic loss of lives in regional nursing homes, particularly at Hornell Gardens in Steuben County, helped recently lead to an important shift in state policy that now prevents nursing home employees who tested positive for COVID-19 from returning to work for two weeks. Working as a team with Hornell Mayor Buckley, County Manager Wheeler, the entire Steuben County Health Department, Congressman Tom Reed, and all of the local officials and health care providers working around the clock on the COVID-19 response, I can attest to our collective frustration with the response of the Cuomo administration to taking control of our nursing home hot spots. We repeatedly called for aggressive and decisive actions by the state Health Department to test, isolate, and prevent spread. I believe an independent investigation into this particular aspect of New York's COVID-19 response is warranted and necessary for the families who have lost loved ones, the caregivers putting themselves at risk, and to ensure better and safer policies moving forward."

In other words, from very early on, I have worked closely with local officials on the front lines trying to address this crisis in Steuben County and elsewhere, and I can attest to the exasperation that we've had in dealing with the Cuomo administration on this specific threat. It's the driving force behind joining legislative colleagues, on both sides of the aisle, calling for an independent investigation so that we can better understand what's occurred, why, and, most importantly, address it to save lives going forward.

Continuing throughout the month of May, our state Senate Republican Conference has steadily called for an independent investigation. At the same time, we have put forth legislation and called for the Cuomo administration to immediately take additional actions including, among others, creating regionally based long-term care facilities

for COVID-positive nursing home residents.

In late May, when legislative leaders finally brought the Legislature back into session, Senate Republicans put forth two important legislative amendments that would have:

- immediately provided nursing homes and assisted living facilities with \$100 million in unused Federal CARES Act funding to help purchase desperately needed testing supplies and PPE; and
- immediately limited the governor's emergency executive powers and restored legislative checks and balances during the ongoing COVID-19 response.

Both of our amendments (and similar amendments put forth by Assembly Republicans in that house) were unanimously rejected by every Democrat member of the state Senate and Assembly.

Following this inaction by legislative leaders on May 29, I wrote, "The dangers and shortcomings of government solely by executive order have become clear. A legislative process without checks and balances goes too far and fails to be effective. The most egregious example is the ongoing crisis in New York's nursing homes where unilateral decisions by the Cuomo administration have proven tragic and where the threats to our most vulnerable population are still not being fully addressed. We had the opportunity to begin fixing both of these failures this week, but this Legislature under one-party control failed to act."

Moving into the fourth month of the New York's COVID-19 response, it is especially critical now to constantly reassess and react to the state's response – above all, to ensure that it stays focused, reasonable, and transparent.

Nowhere is this more necessary than on the nursing homes and the absolute need, in my view, for an independent investigation. What cannot happen is for this tragedy to disappear into the oblivion of endless political maneuvering and obfuscation.

Overall, the need to restructure New York State government's economic, fiscal, programmatic, regulatory, and taxation frameworks has never been more apparent.

I have stressed throughout the COVID-19 response that we need to weather this immediate storm, first, and then restore this state, upstate and downstate, for the long term. It will require, at least, a restructuring of New York government, strengthening the state-local partnership, and rebuilding New York with the right priorities, long-overdue commonsense reforms, and fiscal responsibility.

COVID-19 has had many consequences and delivered many, many wake-up calls – wake-up calls in our personal lives and the lives of our communities, to be sure, but also, let's hope, for the long-term future of balanced, equitable, and effective state government.

State Senator Tom O'Mara represents the 58th District

TALKING JOBS

When your boss is depressing the whole team



Dale Dauten and Jeanine "J.T." Tanner O'Donnell

Dear J.T. & Dale: My boss is losing his mind. He is a germ freak to begin with, so COVID-19 has him completely over the top. Every time we get on a video conference call, he spends at least 10 minutes talking about deaths, lack of cures and the new symptoms related to the illness. Some of us have been talking about going to HR and discussing how negative and depressing he is being. Good idea? – Dawn

J.T.: First, I would reach out to your boss and try to politely mention how his commentary is impacting the psyche of you and your peers. I would gently say: "I respect you as a leader and am grateful for the opportunity to work with you. That's why this is hard to share. Lately, I've noticed you start all our team meetings with some rather bleak information. I'm finding it's having an impact on me and other team members. I'm wondering if you might be willing to stay away from discussing these topics? While I am keeping up with what's happening, I'd like to limit my exposure to negativity. Again, please know how hard this was to share and I hope you aren't upset with me. I respect you so much and thought you might want to know that your discussions are impacting me negatively."

If he doesn't respond kindly, then I would reach out to HR. His inability to take in the constructive feedback is a sign that his anxiety level may be so elevated that he needs some intervention.

DALE: I'd suggest a different approach. Instead of trying to fix the boss, let's fix the problem. Go to your boss and tell him that the news about the pandemic is so depressing that you'd like to suggest adding something uplifting to the team calls. What would be uplifting? Maybe everyone shares how someone else on the team helped them, or maybe everyone has a Victory of the Week about something that went well. You can do this, Dawn; you can lead the effort to turn around those team calls by adding something positive, and I bet the boss follows your lead.

Dear J.T. & Dale: Since COVID-19 started, my company first made us start working from home, then they cut our hours. My work contract clearly states that if they change my work schedule in any way, they have to give me a new contract in writing within five days. They haven't done that. Meanwhile, I just landed a new job offer. They want me to start ASAP. But, my original work contract says I need to give a 30-day notice. This new job is full time and pays more than what I'm making now. Can I give my old employer just one week of notice and not get in trouble? – Kyle

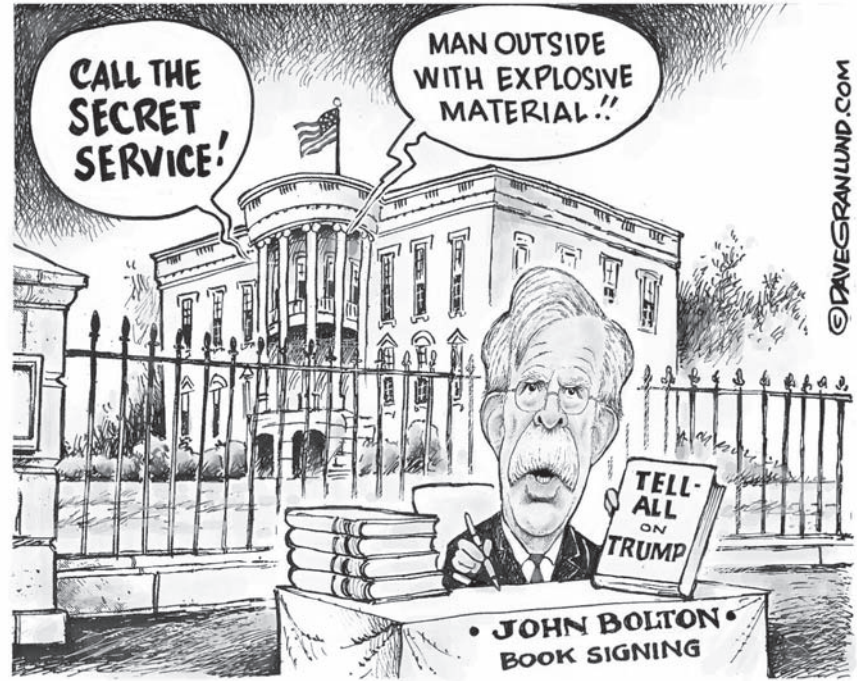
DALE: Given that your current employer is cutting hours, I imagine that you won't encounter resistance

to giving a one-week notice. Further, you can also offer to answer any email questions from your former colleagues after you leave.

J.T.: Yes, just say, "I realize that our original employment contracts state I need to give you 30-day notice, but given all the changes to our employment situation, I was thinking it might make sense if I give you a week's notice so that you can give my hours to someone else on our team who I'm sure really needs them." This way, you are positioning your departure as a chance for the employer to make it a win-win. If they say no, then I would mention the fact that they have technically broken the employment contract twice, and that it makes it null and void. If they say they will fight you with a lawyer (which I doubt), then there's a good chance right-to-work laws in your state would let you win. You might even want to reach out to a local employment lawyer to inquire. But honestly, I wouldn't miss out on the chance to get a new full-time job. If your employer is in trouble, you need to protect yourself.

Jeanine "J.T." Tanner O'Donnell is a career coach and the founder of the leading career site www.workitdaily.com. Dale Dauten is founder of The Innovators' Lab and author of a novel about H.R., "The Weary Optimist." Please visit them at jtanddale.com, where you can send questions via email, or write to them in care of King Features Syndicate, 628 Virginia Dr., Orlando, FL 32803.

ANOTHER VIEW



LETTERS TO THE EDITOR

Pandemic should not be used for political points

In the opinion section of The Spectator on Wednesday, June 17, I was dismayed to read the piece presented by Leslie Danks-Burke. While I respect her stating her opinion, I walked away from reading that feeling very disheartened by some of what was expressed.

Ms. Danks-Burke opened her remarks noting the "horror of excessive nursing home deaths coming out" and how "many of them were avoidable". I must say as an employee of a nursing home in this crisis, this was gut-wrenching and disappointing to hear. Nursing home staff, and health care workers in general, work tirelessly to promote and maintain the health, safety and wellness of those we care for. Ms. Danks-Burke's remarks are hurtful to those of us doing our best to provide care under the strain of a global pandemic, with regulations

changing daily and systemic difficulties with personal protective equipment, in addition to the normal difficulty of providing health care in a rural community.

Ms. Danks-Burke discusses those who have died as the people they were: grandmothers, grandfathers, aunts/uncles, beloved spouses and she's absolutely correct. They were people loved and often members of the "greatest generation" who endured the Great Depression, World War II, and many trials and tribulations to perish during a global pandemic. My heart breaks for all of the loved ones lost. They were many wonderful things, but one thing I would hope they would not be are pawns to promote a political agenda in a campaign year. Ms. Danks-Burke moves from the emotion of the "horrors" of nursing homes to the political lobbying and funds received by the President and her opponent in what reads as a negative campaign ad. That is repulsive political

posturing and not deserved by those who have endured so much.

I'm sad that a pandemic brought to the forefront an industry often misunderstood and in need of increased support, not criticism. I agree that genuine bi-partisan support and dialogue are necessary moving forward as we all work to keep our communities and those we love, and those most vulnerable, safe. This is not a time or an issue to attempt to score political points or repeat party-line, inflammatory, hurtful rhetoric. It's far too easy to be negative and critical of what not to do after the fact. It takes real leadership to acknowledge mistakes, and look to move forward to build something up, rather than tear something or someone else down. I'm disappointed in the views expressed, but remain hopeful in our community as we move forward through these trying times.

Jessica Cleveland
Deputy Mayor, City of Hornell