



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL  
SUBPOENA AD TESTIFICANDUM  
THE PEOPLE OF THE STATE OF NEW YORK  
**GREETINGS**

TO: **State Entity Employee #2**  
c/o Thomas A. Capezza  
Capezza Hill, LLP  
30 South Pearl Street  
Suite P-110  
Albany, New York 12207

**YOU ARE HEREBY COMMANDED**, pursuant to Executive Law § 63(8) and New York Civil Practice Law and Rules § 2302(a), to appear and attend before the Special Deputies to the First Deputy Attorney General, on May 17, 2021 at 9:30 AM, or any agreed upon adjourned date or time, at One Liberty Plaza, 38th Floor, New York, New York 10006 to testify in connection with an investigation into allegations of and circumstances surrounding sexual harassment claims made against Governor Cuomo, or any matter that the Attorney General deems pertinent thereto.

**TAKE NOTICE** that the Attorney General deems the testimony commanded by this Subpoena to be relevant and material to an investigation and inquiry undertaken in the public interest.

**TAKE NOTICE** that the examination may be recorded by stenographic, videographic and/or audio means.

**TAKE FURTHER NOTICE** that Your disobedience of this Subpoena, by failing to appear and attend and testify on the date, time and place stated above or on any agreed upon adjourned date or time, **may subject You to penalties and other lawful punishment** under Executive Law § 63(8), New York Civil Practice Law and Rules § 2308 and/or other statutes.

**WITNESS, The Honorable Letitia James**, Attorney General of the State of New York,  
this 6th day of May, 2021.

By:   
\_\_\_\_\_  
Joon H. Kim  
Jennifer Kennedy Park  
Abena Mainoo  
Special Deputies to the  
First Deputy Attorney General  
[REDACTED]@ag.ny.gov  
[REDACTED]  
[REDACTED]@ag.ny.gov  
[REDACTED]  
[REDACTED]@ag.ny.gov  
[REDACTED]

By: /s/ Anne L. Clark  
\_\_\_\_\_  
Anne L. Clark  
Yannick Grant  
Special Deputies to the  
First Deputy Attorney General  
[REDACTED]@ag.ny.gov  
[REDACTED]  
[REDACTED]@ag.ny.gov  
[REDACTED]

**From:** [REDACTED] (HEALTH) <[REDACTED]@health.ny.gov>  
**Sent:** Wednesday, October 14, 2020 7:56 AM  
**To:** State Entity Employee #2 (HEALTH) <[REDACTED]@health.ny.gov>  
**Subject:** BS

Just to let you know. I attended all senior staff meetings last week:

*Another example, the medical director for the Division, was out of the office for a week and largely unreachable. No one outside of Epi was aware of this time off and resulted in the Commissioner having to cover for her in one of the legal declarations at the very last minute.*

This is just pure bull\$@#. From commissioner Zucker over [REDACTED], they all were aware that you're taking a much needed holiday that week. [REDACTED] was pissed, as I told you, that they had to change the name from you to Dr. Zucker, but even they were aware. So to write this to all office staff and singling you out is just bad leadership.

[REDACTED]

[REDACTED]

**New York State Department of Health**

Empire State Plaza, Corning Tower Suite 2001  
Albany, NY 12237

[REDACTED]  
[REDACTED]@health.ny.gov  
<http://www.health.ny.gov>

----- Forwarded message -----

From: [REDACTED].es <[REDACTED].es>

Date: Wed, Oct 14, 2020 at 11:04 AM

Subject: Help Needed: DOH violations of CBA and APPM

To: [REDACTED]@pef.org>

Cc: [REDACTED]@pef.org>, [REDACTED]@hotmail.com>, [REDACTED].com>, [REDACTED]@gmail.com>, [REDACTED]@gmail.com>, [REDACTED]@gmail.com>, [REDACTED]@gmail.com>

[REDACTED],

I am writing to ask for your assistance in responding to violations to the PEF collective bargaining agreement by the DOH. You may recall that a group of DOH staff in the Division of Epidemiology have, since mid-January, been made to work far in excess of the 37.5 hours per week (12-15 hours per day, 6-7 days per week), which includes working evenings, weekends and holidays. Many of us are ineligible for overtime compensation. Our physical and mental health, and that of our families has suffered greatly.

Yesterday morning we learned verbally and obtained in writing that the following policies apply only to staff in the Division of Epidemiology.

- All time off requests must be pre-approved at Center leadership level after consultation with OPH. It is not clear if there are any exceptions (sick leave, personal leave, etc).
- Requests for multiple days off in a row will not be approved unless there are extreme/emergency circumstances.
- Any staff involved in the response efforts must be reachable on days off, if needed. This is not considered "standby on-call".

Further, these requirements do NOT appear to apply to others involved in the COVID response or to those in the same title and grades elsewhere in the Department.

We request a conference call with you this evening at 7pm so you can avail us of our rights under the CBA and civil service laws/regulations and the Department's responsibilities. Folks will also want to ask you questions. Some of these questions will likely include:

- Can a policy that deviates from the Department's APPM apply selectively to only a subset of employees involved in the COVID response?
- Can such policy be implemented without the Department making all staff in the same grade/title participate in the response and work the same hours?
- is there a limit to the number of hours and days that an individual can be made to work in a day? in a week/pay period? without compensation?
- Can an employee be expected to be available when on approved leave, without compensation?
- what protections are in place to prevent retribution from DOH management towards employees who choose to exercise their rights under the CBA or civil service law/regulations?

Those impacted, but represented by CSEA, are in the process of arranging a similar call with their union representatives.

We cannot be expected to work or be available 24/7/365 without compensation, under the threat of discipline/retribution, and at the expense of our physical and mental health and that of our families. More so when this new policy does not apply equally to all in the bargaining unit or Department.

It is the group's unanimous request that you do not share any of these concerns, including this email, with DOH management until the call has taken place and all have had an opportunity to have their voices heard.

Please confirm you availability for 7pm tonight. Since we cannot utilize DOH assets for union business, a PEF-supplied dial-in number would be helpful.

Thank you,

[REDACTED]



