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Congress of the United States
House of Representatives
Washington, DC 20515-3221

September 2, 2025

The Honorable Lori Chavez-DeRemer
U.S. Department of Labor
200 Constitution Ave NW
Washington, DC 20210

Dear Secretary Chavez-DeRemer,

I am writing to you regarding troubling actions taken by Governor Kathy Hochul and her administration against New York State Correctional Officers. In retaliation for the strike earlier this year by employees of the Department of Corrections and Community Supervision (DOCCS), Governor Hochul and her administration violated the Family and Medical Leave Act of 1993 (FMLA). Specifically, the state directed employees on FMLA leave to be classified as absent without leave (AWOL), resulting in their termination.

In a copy of an email obtained by my office, the DOCCS Deputy Commissioner for Administrative Services instructed prison superintendents that "staff who are calling in FMLA should be ordered in just like everyone else. If they refuse the order to report for duty, they should be made AWOL." These actions resulted in the wrongful termination of DOCCS employees, in violation of federal regulations.

Since termination, COs have been denied unemployment by being told that they both resigned their positions and were terminated for participating in the strike. This includes COs who were on approved leave, including leave guaranteed under FMLA. Nineteen former correctional officers, targeted by the Hochul administration, have filed a class-action lawsuit in the U.S. District Court for the Western District of New York. All nineteen of these COs were on approved leave under FMLA.

These actions represent yet another example of illegal conduct by Governor Hochul and her administration, which has shown a marked hostility toward law enforcement. During the strike, the Governor and DOCCS Commissioner Daniel Martuscello used intimidation and threats to influence negotiations, including canceling health insurance for COs and their families. When these tactics failed, they ordered the firing of over 2,000 experienced COs and issued an Executive Order barring them from employment in local governments or state agencies. Under

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pressure, the Governor rescinded the local government ban but maintained ineligibility for state jobs.

Additionally, while DOCCS has attempted to rectify the Governor's damaging directive by slowly rehiring COs through "call backs," further issues have emerged. Recently, I learned of a "No Call List" that includes at least 200 individuals statewide, whom the Governor and the Commissioner have deemed ineligible for rehire. No justification or legitimate reasons have been provided for the existence of this list.

By classifying DOCCS employees on FMLA as AWOL, Governor Hochul and the DOCCS Commissioner caused families to lose access to health insurance, accrued overtime pay, sick leave, and unemployment benefits. As the COs challenge their loss of employment through the grievance process or appeal the denial of their unemployment benefits, they are being slow-rolled through the process with no communication from the New York State Office of Employee Relations or the Department of Labor. This is a clear-cut, coordinated abuse of power by Governor Hochul and Commissioner Martuscello, specifically their actions to deny employment and earned benefits to Correctional Officers and DOCCS employees.

This is just the latest in a long line of abuses of power and blatant attacks on law enforcement by Governor Hochul and her administration. I request that you review the illegal actions taken by New York State and compel compliance with FMLA for those employees who were terminated while on approved leave.

Sincerely,



ELISE STEFANIK
Member of Congress

Cc:

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