

Local 237 Disputes ME Finding That Death Of Caretaker Was Natural

By DAN ROSENBLUM | Posted: Monday, April 13, 2015 5:00 pm

Alleging a cover-up the president of Teamsters Local 237 called for an independent investigation after the city's Chief Medical Examiner ruled that a Housing Authority Caretaker died on the job last month of natural causes.

ME: Death Heart-Related

That determination conflicted with the results of an investigation recently completed by the local, which linked a poorly maintained garbage hoist to the March 7 death of 31-year-old Toni Jackson, who was found in a project basement following her morning shift at the Coney Island Houses. The medical examiner said her death was caused by "cardiac arrhythmia complicating second-degree atrioventricular block" with no evidence the hoist played a role in her death, according to the HA.

But Local 237's report offered a more-complicated account of the conditions leading to a supervisor finding Ms. Jackson in a squatting position with her head and neck lodged in the garbage lift. She was found at 1:30 p.m., a half-hour after her five-hour shift was scheduled to end, by the Supervisor of Grounds, who called 911 and tried to find a pulse. She was taken to Coney Island Hospital, where she was pronounced dead.

Ms. Jackson, an HA employee since June 2013, was a single mother of two children ages 8 and 11. Local 237 President Greg Floyd, whose local represents about 8,000 HA employees, said the finding was engineered to deprive her family of posthumous benefits and compensation.

'Ignores Physical Evidence'

"The Medical Examiner's report directly contradicts the physical evidence that was there," he said. "It doesn't address the head wound, it doesn't address the position that she was found in."



Out of Service

OUT OF SERVICE: Following the death of a Caretaker last month at this Brooklyn complex, the Housing Authority pulled garbage hoists out of service in the handful of developments where they have been used to lift trash up to the ground floor. An investigation into working conditions at the building identified 12 safety and maintenance concerns about the mechanisms.

He said the local was seeking someone to conduct an independent investigation and autopsy.

In response, the HA reiterated that the OCME arrived at its conclusion independently, based on facts, and “any claims to the contrary are unfounded.”

Two memorials stood last week at the building at 3025 West 32nd St, but HA workers declined to comment about the accident or Ms. Jackson.

‘Dangerous Workplace’

While the preliminary report, based on logbooks, interviews with workers and information requests, didn’t pin down the cause of the accident, it identified a dozen findings related to her death.

“While we cannot definitively state that the deficiencies described in this report caused her death until more information is available, we can state unequivocally that these deficiencies create a dangerous workplace,” the report read. It also said the agency failed to give employees working conditions “free of known dangers” as required by Federal guidelines.

The hoist car, tracks and cage were made in-house and often malfunctioned, according to the preliminary report. When it wasn’t loaded with trash, workers often placed concrete blocks on it to weigh it down. The mechanism also wasn’t equipped with a device to prevent it from travelling too far up or down the tracks, or with a box to prevent the chain from getting tangled, the report said.

Dilapidated Device

After the accident, investigators from the HA, Local 237 and the state Department of Labor’s Public Employee Safety and Health Bureau “all observed the poor condition of the frame of the car, the broken doors of the car and the broken safety devices on the cages on both the top and bottom levels of the system,” according to the report.

PESH had an exit conference last week, according to a union official who said its report isn’t expected for a couple of months.

An HA spokesperson said in an e-mail that the agency acted “with an abundance of caution” last month and removed the hoists from service and began to assess them.

The HA told investigators there was no inspection protocol for the hoist and that its employees weren’t formally trained on safely operating the lifts. Each day, 445 tons of garbage are removed from the HA’s 334 developments, most of them in buildings with ramps connecting garbage-compactor rooms to the street, unlike the hoist system at the Coney Island building. Ms. Jackson, who was typically assigned to a different building, hadn’t used a hoist over the previous 15

months, if ever.

Wary of Complaining

Additionally, workers concerned about safety hazards were routinely fearful of retaliation from HA managers. “Local 237 believes that if workers do not feel comfortable reporting deficiencies without fear of retribution, the high injury rate suffered at NYCHA is unlikely to be abated,” the report said.

Mr. Floyd said threats of retaliation often became reality in write-ups, denial of days off and other disciplinary action. “Retaliation would come after you clean up and somebody goes behind you and just messes up what you just cleaned up,” he said.

He said that he was unsatisfied with HA’s response and that since the agency stopped using the lifts, workers have been manually hauling garbage up stairs, adding to the many issues that they deal with.

Taking a Closer Look

The agency said it reformed its safety protocols immediately after the incident and that a team has begun re-evaluating the design, fixes and costs to improve the machines and created a team that will offer training and formalized maintenance procedures once the upgrades are finished.

“Our employees are the heart of NYCHA and their workplace safety is of paramount importance,” the statement said. “We plan to meet with Teamsters Local 237 to discuss their report and understand their concerns.”