



Rick Staly, Sheriff
FLAGLER COUNTY SHERIFF'S OFFICE
"An honor to serve, a duty to protect."

May 29, 2018

Mr. Craig Coffey, County Administrator
Flagler County Board of County Commissioners
1769 E. Moody Blvd., Building 2
Bunnell, FL 32110

SENT VIA EMAIL & U.S.P.S.

RE: Sheriff's Operations Center Concerns

Dear Mr. Coffey:

The intent of this letter is to discuss the Flagler County Sheriff's Office Operations Center, which is fast becoming an albatross to the efficient and effective operation of the Sheriff's Office. As you know, the Operations Center located at 901 E. Moody Blvd., Bunnell, FL is the nerve center for all Sheriff's operations and must be a safe and professional work environment for Sheriff's employees. While it is a beautiful remodeled building many of my employees no longer feel it is a safe working environment.

As you know, I was elected Sheriff and assumed office on January 3, 2017. Although I personally opposed and did not recommend the purchase of the old hospital property to then Sheriff Jim Manfre, the building and property was purchased by the county. At the time, I was told by Sheriff Manfre this was the course of action for the agency and it was not open for discussion. I personally believed the construction of a new Sheriff's Operations Center was the more prudent and better option.

In early 2015, I resigned from the Sheriff's Office and Sheriff Manfre and the County began rehabilitation of the abandoned Memorial Hospital-Flagler property. After construction was completed most of the sheriff's law enforcement operations were consolidated and employees were relocated into the building in September 2015.

On November 3, 2017 Undersheriff Bisland brought to my attention that some Sheriff's employees assigned to the Operations Center were concerned about the environmental safety of the building. Inquiries determined that some employees became symptomatic shortly after starting to work in the rehabilitated building in late 2015 and started experiencing rashes, hives, itching, headaches, fatigue, breathing impairment and other symptoms of illnesses they did not have before being moved to this building. I am told there were no claims filed during the

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previous administration for two reasons: First, employees did not discuss their health issues with each other and did not realize they each shared and were privately dealing with similar symptoms; Second, there was a general climate and fear of retaliation against employees who "make waves" or opposed Sheriff Manfre and the employees knew this was his "pet project" making the employees fearful for their job if they said anything.

Once I became aware I contacted your office and insisted the building be checked for air quality or environmental issues. You and your staff agreed to test the air quality of the building I thank you for this first step. The testing found mold in two rooms and an air handler. Out of concern for my employees who were showing symptoms of an illness I relocated the four affected employees to the Detention Administration building while the rooms and air handler was remediated. During this time additional employees voiced concerns and I asked that the entire building's air quality be tested. This testing was done by the original air quality contractor and an additional air quality testing company. In addition, the State Health Department for Flagler County was asked to conduct an environmental epidemiology assessment and attempt to determine any similarities between the affected employees and/or the building. Their assessment resulted in a letter stating "...that a possible common exposure site for onset of the symptoms...was at the work place" but acknowledged the recommendations of H2H were followed and the air quality is now acceptable.

At the conclusion of the building testing and remediation we were told "the air quality was within acceptable levels" and "even better than the outside air" and therefore the building was safe. As a result of this notification, Undersheriff Bisland directed all displaced employees to return to the Operations Center. After their return to the building, two employees stated their symptoms returned and a third employee is now on FMLA and has not returned to the building. Her doctor has stated that she "must not return" to the building for medical reasons.

It has now been seven (7) months since I first notified the county of my concerns with this building and for my employees. While some measures have been taken and continue to be taken this problem continues and is growing worse by the day. We now have 25 Worker's Compensation claims for various illnesses alleging their conditions are caused in essence by a "sick building." The claims were denied by our worker's compensation carrier stating that under FSS 440.09(1) the burden is on the employees to prove the building is the cause of their illnesses. I personally spoke with the Executive Director of the insurance carrier pleading our case on behalf of my employees but they refuse to accept the claims citing the above Florida statute. Almost all of the claims indicate similar symptoms. We now have multiple employees asking for "reasonable accommodation" and two employees on FMLA as a result of the building issues. This is causing a significant disruption to serving the community.

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I recently asked my staff to conduct research on the re-purposing of old hospitals and their sites around the country and any related issues. While we are by no means an environmental expert nor would I consider this an in-depth study I was none-the-less shocked at what was found in a simple Google search. For example, the search revealed an article regarding the reuse of an old hospital in Indiana which stated: "Recent testing by the Indiana Department of Environment Management revealed levels of dioxins, lithium, arsenic, thallium and gross alpha particles above the allowable limits." While this is not an "apples to apples" comparison the Indiana building was operating as a hospital until 2008 and the property is now abandoned due to contamination. Other articles found old hospitals that were converted to nursing homes and prisons that resulted in persons becoming ill and ultimately were abandoned and torn down. While there may be old hospitals re-purposed successfully there are many that were unsuccessful with occupants expressing symptoms similar to my employees.

I also spoke to the owner of a construction company that was aware of problems in another state of a failed hospital re-purpose project. During this conversation I told him it was my understanding the Sheriff's Operations building was gutted except for the exterior walls (I was not present nor involved in the construction so I have no personal knowledge of the actual rehabilitation done). He indicated a concern when I told him that I believed the exterior construction was concrete block walls and the concrete slab was retained because "concrete is porous and over time can absorb contaminants and mold."

My staff spoke to a University of Central Florida medical doctor that is an expert in industrial hygiene and occupational safety and certified is a certified industrial hygienist that specializes in "sick building syndrome." He indicated the building should have been "hot-baked" before it was occupied. He described hot-baking as a way to prevent building-associated illness caused by "off-gassing" from solvents used in new building materials and furnishings and is a procedure known to reduce emissions from newly installed materials, products, and furnishings. I do not believe this "bake-out" was done prior to occupancy, although I am told it can still be done.

Finally, I personally had an informal and chance conversation with a member of the county's Innovative Technology (IT) team who told me he had an office in the operations building during the final phase of the construction/move-in and he would get headaches by the end of the day. He stated these conditions lasted until his office was relocated to another county building and his symptoms then cleared-up.

At my insistence and that of Chairman Greg Hansen, who like me inherited this situation, the county recently contracted with an environmental engineering company for an additional "Phase 1" additional testing. And, as you know, I am in the process of hiring a medical doctor that specializes in "sick building syndrome" to independently assess my affected employees and all building remediation reports available to determine a possible cause or linkage. I also appreciate

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your commitment to me "to get to the bottom of this...and find out what is causing the problems."

Although we continue to meet regarding the issues surrounding this building and you are moving forward with additional testing, I must demand quick and significant action be taken by the county to immediately ensure the safety of my employees. My employees are fearful there is something contaminated in or around the building that may have been missed during the purchase of the property and/or materials used during the building rehabilitation that is currently or will affect their health in the long term. For example, I do not believe soil samples were ever taken around the property nor do I believe the remaining exterior block walls and concrete slab that were kept during the rehabilitation were ever tested for contaminants. Despite this fear, our employees continue to be dedicated and serve this community, hoping and praying their health is not permanently affected. This profession is dangerous enough from criminals. Employees should not have to live in fear of their workplace causing them long-term illnesses.

Based on the fact that it has taken so long (seven months) just to get to this point I anticipate these additional studies, analysis and testing will take a significant amount of time. Then, if additional remediation is needed, or building replacement is recommended, we are months if not years away from a permanent solution. The last time we reassigned employees to other buildings resulted in significant disruptions to Sheriff's Office operations.

As you know, a Sheriff does not have the responsibility to provide facilities for the Office of Sheriff. Pursuant to FSS §125.01(1)(c) the County is responsible for providing and maintaining county buildings for the Office of Sheriff. As such, it is the statutory responsibility of the County to provide safe and adequate facilities to the Sheriff's Office.

In closing, during the last seven months there has been much discussion and some action. I need for the men and women of the Flagler County Sheriff's Office to have confidence their work environment is safe and not causing harm to their health. Let us work swiftly and deliberately to restore the trust and remove the fear my team has that the Operations Center is causing harm to their health. I also recognize these matters may take many months to resolve and in fact the cause of the problem may never be known. Until such time I can be assured the Sheriff's Operations Center is safe for my employees, I am requesting suitable space to house my affected operations and concerned employees. Time is of the essence when it comes to the health and welfare of my team. Therefore, we need an alternative location/space now to keep the team unified in our efforts to keep this one of the safest communities in Florida.

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In my opinion, this is not about what the law requires to be done, or protection from litigation or who must prove what for a successful claim, but instead it is about doing what is right for my employees. I look forward to working with you and your team for a suitable temporary and long-term resolution.

Sincerely,


RICK STALY
Sheriff

cc: Chairman Greg Hansen
Vice-Chairman Donald O'Brien, Jr.
Commissioner Nate McLaughlin
Commissioner Charles Ericksen, Jr.
Commissioner David Sullivan
FCSO employees
