



Engineers & Scientists of California

Local 20, IFPTE AFL-CIO/CLC
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April 14, 2020

Via Electronic Mail

Debora Catsavas
SVP Human Resources
Kaiser Permanente
1950 Franklin Street
Oakland, CA 94612

Re: COVID-19 Safety Related Demands for Healthcare Members

Dear Ms. Catsavas:

Through this letter, we are setting forth our expectations with respect to our members and your responsibility to both them and the Union in the face of COVID-19. We understand that you are working to keep them safe and informed while protecting privacy.

California's Aerosol Transmissible Disease standard applies to the coronavirus pandemic and the standard remains in effect. Cal/OSHA guidance makes clear that the coronavirus is a "Novel or unknown pathogen" pursuant to [8 CCR § 5199 Appendix A](#). While interim guidance is in place due to the current respirator shortage, there is no question that the standard applies, and any deviations from it will be reported. See *Cal/OSHA Interim Guidance on COVID-19 for Health Care Facilities: Severe Respirator Supply Shortages* (March 28, 2020) ("all other provisions of Section 5199 remain in full effect"). Employers who intend to follow droplet precautions only for the care of COVID-19 patients are out of compliance and are creating a "real and apparent" hazard to our members and their co-workers as well as to others at the workplace.

With these things in mind we expect all of the following:

1. The provision of appropriate PPE, especially respirators. Cal/OSHA has directed that employers using surgical masks instead of respirators "must certify that... full compliance with the ATD Standard would exhaust respirator supplies needed to address surge or anticipated surge, despite reasonable efforts to obtain additional respirators and maximize existing respirator supplies as described below....".
2. The full implementation of all non-respirator requirements under the ATD standard, including, as specifically detailed by Cal/OSHA, work practices that minimize the number of employees exposed to infectious aerosols; source control procedures; training of employees on additional precautions and keeping employees updated on status changes. (Cal/OSHA guidance 3/28/20.).

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3. When a member tests positive for COVID-19, notify Cal-OSHA of the workplace illness through filing a Form 5020 Employer's First Report of Injury, and conduct a root cause analysis to determine how they were exposed.
4. When a member tests positive for COVID-19, offer a workers compensation claim form (DWC-1) within one day of being notified of the positive result.
5. Following the CDC Coronavirus Disease (COVID-19) Guidance for Healthcare Professionals to Care for Patients and Protect Patients and Workers, [here on CDC's web site](#).
6. Provide the Union with the following:
 - a. A copy of your ATD Exposure Control Plan as required under 8 CCR § 5199 (d), and the involvement of covered employees – our members – in its updating to meet current conditions.
 - b. A copy of your Cal-OSHA 300 logs for March 2020. We hereby request a copy of the log on a weekly basis.

We want to remind you that our members are working hard in the face of much risk. During this time, our members maintain the right to refuse unsafe work that might cause them serious harm, e.g. a COVID-19 exposure. We are not encouraging any work stoppage and understand that you need their services now more than ever. That said, we expect you to provide them with a safe workplace as required by law, at all times.

Finally, we bring to your attention the Joint Commission Statement on Use of Face Masks Brought From Home (“*supports allowing staff to bring their own standard face masks or respirators to wear at work when their healthcare organizations cannot routinely provide access to protective equipment that is commensurate with the risk to which they are exposed*”) and the March 27 letter from the American Hospital Association (“*the AHA has not heard any reports of hospitals or health systems restricting the free speech of physicians, nurses or others regarding the conditions related to COVID-19.... Ensuring the public knows the challenges our hospitals, health systems and providers face... is vital to flattening the curve....*”).

We have been and will continue to inform our members of their rights and expect you will too.

Very truly yours,



Michael Aidan
Assistant Executive Director

c: Karen Sawislak, Executive Director
Danielle Lucido, Chief Counsel
All Kaiser Reps
Connie Savoy
Joan Mah
CKPU
Labor Relations