

LOCAL 1000



SEIU
Stronger Together

YVONNE R. WALKER
President

KEVIN MENAGER
Vice President/
Secretary-Treasurer

ANICA WALLS
Vice President for
Organizing/Representation

TONY OWENS
Vice President for Bargaining

SERVICE EMPLOYEES
INTERNATIONAL UNION
CTW, CLC

1801 Excise Avenue
Suite 101
Ontario, CA 91761

866.471.SEIU (7348)
www.seiu1000.org



August 15, 2020

Eraina Ortega, Director
CalHR
1515 "S" St., North Bldg., Ste. 400
Sacramento, CA 95811
grievances@calhr.ca.gov

**Re: Grievance Elevation
Statewide Health and Safety Grievance against CDCR and
CCHCS
SEIU Case No. 2020-0752
CDCR Grievance No. G01-20-0030
Level: 3**

Dear Director Ortega:

SEIU Local 1000 represents all represented CDCR and CCHCS employees in the attached health and safety grievance. This health and safety grievance that was filed against both CCHCS and CDCR is being elevated to Cal HR for possible resolution pursuant to Article 10.30 of the current bargaining agreement. The grievance was filed on July 28, 2020. SEIU Local 1000 received the 2nd level response on August 10, 2020. We anticipate a response from Cal HR within 14 days of this elevation. Additionally pursuant to Article 6.5 SEIU Local 1000 requests an immediate grievance conference with Cal HR to discuss this urgent matter.

In its joint response CDCR and CCHCS state that in regards to the requested remedies one (1) through seven (7) they are neither granted nor denied, as the Department is currently practicing all of the requested remedies. The grievance requested the following remedies:

1. Take all necessary steps to ensure employee health and safety
2. Ensure that each institution has a COVID-19 incident command center with both medical and custody staff
3. Have a clear written plan for spaces/areas that will be utilized to isolate/quarantine suspected and COVID-19 confirmed inmates at each institution.
4. Ensure that management at all levels understands their responsibilities and role in preventing the further spread of COVID-19.
5. Halt the movement of inmates between prisons and intakes from counties.

LOCAL 1000



SEIU
Stronger Together

YVONNE R. WALKER
President

KEVIN MENAGER
Vice President/
Secretary-Treasurer

ANICA WALLS
Vice President for
Organizing/Representation

TONY OWENS
Vice President for Bargaining

SERVICE EMPLOYEES
INTERNATIONAL UNION
CTW, CLC

1801 Excise Avenue
Suite 101
Ontario, CA 91761

866.471.SEIU (7348)
www.seiu1000.org



6. Ensure that DAI and CCHCS are doing everything possible to maintain six foot physical distance between persons (including allowing all employees possible to telework), providing adequate hand sanitizer and disinfectant wipes and are enforcing that everyone wear masks/or face coverings
7. Ensure that all employees are trained with the latest State of California health and safety guidelines and that all employees are noticed about possible COVID-19 exposure at their worksite.
8. Any other appropriate remedy deemed just and proper

We understand the unprecedented nature of this pandemic and recognize that CDCR and CCHCS have outlined many efforts aimed at preventing the spread of the virus. The experiences of our members and recent Institution outbreaks however demonstrate that not all of the above outlined actions are being implemented and that more must be done to ensure a consistent implementation of these health and safety guidelines and other protocols around movement and testing to prevent the further spread of the virus. Overall, there have been 2,235 CDCR/CCHCS staff infected with COVID-19 and 9,257 inmates infected with the virus.

As you know, historically CDCR and CCHCS have excused bureaucratic inaction by claiming “a lack of communication.” This same old pattern is being demonstrated regarding transfers and testing of staff, among the other issues as well.

Our experience shows that the health and safety guidelines are not followed and many staff have no choice but to hesitate to raise concerns because of retaliation and the impenetrable code of silence that still permeates throughout the institutions.

Inmate transfers and Movement needs to stop

All inmate movement has not stopped. While it appears that CDCR is going to continue halting county intakes, the movement between prisons still continues. This is the type of movement that led to the outbreaks at San Quentin and Corcoran. (See Attachment “1”) SEIU Local 1000 recently learned of movement into Sierra Conservation Center from other facilities that was not done for medical or essential reasons.

LOCAL 1000



SEIU
Stronger Together

YVONNE R. WALKER
President

KEVIN MENAGER
Vice President/
Secretary-Treasurer

ANICA WALLS
Vice President for
Organizing/Representation

TONY OWENS
Vice President for Bargaining

SERVICE EMPLOYEES
INTERNATIONAL UNION
CTW, CLC

1801 Excise Avenue
Suite 101
Ontario, CA 91761

866.471.SEIU (7348)
www.seiu1000.org



More Employees should be allowed to telework to enhance physical distancing and prioritize the testing of essential staff. Now is not the time to go back to normal, at Folsom and other prisons.

Towards the middle of July and the beginning of August, CDCR and DJJ inexplicably decided to bring back staff that had previously been teleworking for part or all of their schedules. (See Attachment “2”) This flouts the Cal HR issued directives on March 16, 2020 and March 17, 2020 directing Departments to consider all viable options for telework for employees who are facing school or daycare closures for their children and to enhance social distancing. Cal HR also directed Departments to determine which critical employees cannot telework and establish a telework schedule for all those that can. Cal HR outlined that Departments should develop these plans for the *entire length* of this crisis.

At CDCR, Teachers, clerical staff and COVID-19 vulnerable employees have been unnecessarily brought back during despite documented surging outbreaks at various prisons. This has complicated mandatory testing of staff and hampered physical distancing. Moreover, staff have been expected to interact with inmates without knowing whether the inmate has been tested for COVID-19 or not. At CMC, Staff was sent to a quarantine unit and not noticed that there was COVID-19 confirmed inmates. (See Attachment “3”) Grievances have been filed with CDCR and CCHCS regarding employees who have been brought back from telework assignments in the midst of outbreaks.

Throughout all of the prisons, staff report violations of the face-coverings/masks requirements. In some cases when staff raise these concerns to their supervisors they quickly become concerned about possible retaliation because of how others react.

CDCR needs to take seriously the cleaning of its facilities

CDCR outlines in its COVID-19 response efforts that “All CDCR institutions have been instructed to conduct additional deep-cleaning efforts in high-traffic, high-volume areas, including visiting and health care facilities.” However, as an example, the SATF (Corcoran) administration building is not even being regularly cleaned by the Prison Industry Authorities Custodian staff or trained inmate crews or other staff that is familiar with cleaning spaces. It appears that this job was previously done by an inmate clearing crew from Corcoran State Prison but this stopped with the pandemic. SATF management has assigned this duty to the IST manager and to staff assigned to work in these areas. Even with COVID-19 confirmed staff infections, there was no deep-cleaning effort. Employees at other prisons have also identified that common areas are not being cleaned.

LOCAL 1000



SEIU
Stronger Together

YVONNE R. WALKER
President

KEVIN MENAGER
Vice President/
Secretary-Treasurer

ANICA WALLS
Vice President for
Organizing/Representation

TONY OWENS
Vice President for Bargaining

SERVICE EMPLOYEES
INTERNATIONAL UNION
CTW, CLC

1801 Excise Avenue
Suite 101
Ontario, CA 91761

866.471.SEIU (7348)
www.seiu1000.org



Staff have also been concerned with the lack of sanitizing wipes and machines. An email from CDCR DAPO confirms that sanitizing wipes are not available to staff as previously claimed at various offices in Southern California. According to this supervisor, CDCR is trying to find another vendor. (See Attachment “4”) A lack of these supplies has also been reported at institutions around the state.

CDCR should have better system to verify health and safety compliance and that other policies intended to prevent the spread are followed.

CDCR or CCHCS may outline statewide responses to protect against COVID-19 spreading but they are often not followed or implemented at the prisons. For instance at San Quentin, Cal OSHA recently discovered that aerosol producing procedures were being done by Dental staff without the proper PPE in violation of safety guidelines and CCHCS policy. Instead of admitting to this, San Quentin management sought to retaliate against staff that reported this. (See Attachment “5”)

Testing of staff is also inadequate. There have been staff who have been tested and allowed to work for 10 days until results come in with a positive result. Similarly staff that have tested positive are being told that they could return to work as soon as they have no symptoms and they are able to pass the screening, while others are informed that such should not be done until there is a negative result. SEIU Local 1000 also requests that the CDCR/CCHCS adhere by the Aerosol Transmissible Diseases standard which has specific provisions on how to address precautionary removals of staff. https://www.dir.ca.gov/dosh/dosh_publications/ATD-Guide.pdf

CDCR/CCHCS needs to ensure there is adequate PPE- the decontamination process is not the answer.

Recently CDCR/CCHCS outlined that N95 masks would be collected after they are used so they could decontaminate them. Given the haphazard approach across facilities, the idea that this “decontamination” would be done properly without jeopardizing staff is laughable.

Remedies for these issues and the other raised in the grievance must be implemented immediately. Steps must be taken to increase staffing to decrease the time employees spend at institutions. CDCR and CCHCS should increase its civil service hiring of staff to prevent and limit mandatory overtime. Similarly CDCR/CCHCS should consider alternative work schedules like 12 hour shifts. Employee health and safety

LOCAL 1000



SEIU
Stronger Together

should be paramount. Unfortunately, the joint response to this grievance is a mere paper tiger. It is meaningless when institutions ignore the requirements. The issues raised in the grievance continue to be unresolved. The few examples provided herein are the tip of the iceberg of the problems that pervade the institutional settings

Please let me know when would be a good date/time for a grievance conference. I may be reached at (559) 313-8243 if you have any questions.

Sincerely,

Daniel Luna
Union Resource Center Coordinator

YVONNE R. WALKER
President

KEVIN MENAGER
Vice President/
Secretary-Treasurer

ANICA WALLS
Vice President for
Organizing/Representation

TONY OWENS
Vice President for Bargaining

Enclosure

cc: CDCR and CCHCS Labor Relations
SEIU Local 1000 CDCR/CCHCS Members
CDCR/CCHCS SEIU Local 1000 Stewards
SEIU Local 1000 BU Chairs
SEIU Local 1000 Staff

SERVICE EMPLOYEES
INTERNATIONAL UNION
CTW, CLC

1801 Excise Avenue
Suite 101
Ontario, CA 91761

866.471.SEIU (7348)
www.seiu1000.org

