

INTERNATIONAL UNION OF OPERATING ENGINEERS

Craft-Maintenance Division State of California Unit 12
Locals 3, 39 & 501, AFL-CIO

CDCR IUOE Members, Title 8 Update – February 3, 2023

CDCR IUOE Members,

As you are aware, CDCR has initiated enforcing grooming standards related to the donning of the N95 Respirator (mask) and the full or half face respirator. This enforcement is under the guidance and control of CalOSHA mandating the California Department of Corrections to develop and enforce policies consistent with CalOSHA Standards 5144 (Respiratory Protection Program) and 5199 (Aerosol Transmissible Disease). While the Union has been and will continue to meet with CDCR to mitigate the impacts of these policies, CDCR must comply with CalOSHA mandates.

Below is the CalOSHA current regulations:

[CalOSHA Standard 5144 \(Link\)](#)

Standard 5144 must be enforced whenever an employer requires an employee to wear a tight-fitting respirator. A tight-fitting respirator is inclusive of the N95 mask, half face respirator and full-face respirator. During 2022 CDCR was fined by CalOSHA for not following Standards 5144 and 5199. Part of the remedy enforced by CalOSHA is that all CDCR State Prisons must develop/update and implement a policy which brings the Department in compliance with Standard 5144. The California Department of Public Health requires any employer which endures an outbreak of COVID-19 cases to mandate all employees to don the N95 mask. By definition, the N95 mask is a tight-fitting respirator, therefore, all employees who are mandated to wear the N95 mask must participate in the Respiratory Protection Program (RPP). The RPP includes the completion of a medical questionnaire, medical evaluation, and fit test of the appropriate respirator which is required to be worn.

[CalOSHA Standard 5199 \(Link\)](#)

Standard 5199 addresses the Aerosol Transmissible Disease (ATD) and must be enforced whenever employees work in a facility which is identified as being at an increased risk for transmission of aerosol transmissible disease (ATD) infection. Correctional facility is identified by CalOSHA as meeting the criteria of Standard 5199. CalOSHA recognizes COVID-19 as an airborne infectious disease covered by the ATD standard 5199. Standard 5199 requires that CDCR facilities develop, implement, and maintain a policy which is inclusive of an action plan to address any exposure or potential exposure to an aerosol transmissible disease. CalOSHA requires that an action plan to address Standard 5199 includes a Respiratory Protection Program (RPP). As stated, the RPP is governed by Standard 5144.

During the past few months CDCR has worked to develop its Respiratory Protection Program under the guidance of CalOSHA Representatives. CalOSHA has advised CDCR that all employees must maintain grooming standards which will not impede a proper seal of a tight-fitting respirator at all times.

CalOSHA does allow for exemptions due to medical circumstances. If an employee believes they have a medical condition which will not allow them to don a tight-fitting respirator, or a medical condition which will not allow them to comply with the grooming standards, or other medical needs, they should file for an exemption with the Department. After meeting with the Union, the Department agreed employees also have the right to file for religious exemptions.

If you encounter issues with the medical or religious exemption process, please contact your Union representative.

In Solidarity,

Brandy Johnson

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