

# INTERNATIONAL UNION OF OPERATING ENGINEERS

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

## **You Have a Right to Refuse Hazardous Work. JUST STOP DOING IT AND SAY NO! – June 21, 2019**

For the past year and a half, we have been battling with Caltrans and the Department of General Services (DGS) over the issue of our members being forced to clean up human waste, vomit, feces, urine, blood, needles, used feminine hygiene products, toxic waste, and a variety of other hazardous materials on state property and along highways and freeways.

We have filed several health and safety grievances and CalOSHA complaints. Both Caltrans and DGS have been cited and fined for not providing protections and training for our members while cleaning up these messes and our health and safety grievances are scheduled for arbitration in November.

We were close to reaching a settlement agreement with DGS on the grievance, but now it seems the State is back peddling on their proposed settlement which would have provided a hazmat pay differential for our groundskeepers when performing homeless clean up tasks.

We have had partial success with Caltrans in District 1 (Humboldt and the Eureka area) where they have discontinued having our members clean up the homeless encampments, but this is not statewide.

Caltrans upper management has basically told us that cleaning up homeless encampments is part of our members normal duties which we strongly disagree with. CalOSHA regulations state in part, it is illegal for your employer to punish you for refusing to perform hazardous work if both of the following are true:

- Performing the work would violate a CalOSHA Health or Safety regulation.
- The violation would create a “real and apparent hazard” to you or your co-workers.

When these conditions are met, you have the right to refuse to perform the work. This is the law!

The good news is that the current Caltrans director is stepping down and we hope that the new Director will take the position that our members should not be doing homeless encampment cleanups.

**UNION STRONG!**

Steve Crouch  
Director of Public Employees