

Berg, Eric@DIR

From: Dave LeGrande <legrande@cwa-union.org>
Sent: Tuesday, March 07, 2017 12:05 PM
To: Berg, Eric@DIR
Cc: West, Ellen; Foss, Joel@DIR
Subject: Fwd: 3395

Follow Up Flag: Follow up
Due By: Monday, March 13, 2017 4:00 PM
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Joel Foss referred me to you for your response to an important safety and health involving the Communications Workers of America (CWA) and AT&T. I am David LeGrande, Director of Occupational Safety and Health for CWA, headquartered in Washington, D.C. Frequently, I work with our District 9 headquarters office in Sacramento as well as our local unions in California re. a variety of occupational/environmental safety and health issues.

The most recent occupational safety and health issue presented to the union in California comes from AT&T. In December, 2016, AT&T notified our Sacramento district headquarters office that the company would be no longer be providing potable water to company outside workers "free of charge," as required by the Cal-OSHA Heat Illness Prevention Standard." Rather, AT&T would begin processing a \$5.00 water stipend to cover the annual cost for home dispatched employees, i.e., providing employees with \$5.00 per year to provide their own potable water supplies.

CWA believes the company's proposed action is in direct violation of the Cal-OSHA Heat Illness Prevention Standard:

GISO 3395

(c) Provision of water. Employees shall have access to potable drinking water meeting the requirements of Sections 1524, 3363, and 3457, as applicable, including but not limited to the requirements that it be fresh, pure, suitably cool, and provided to employees free of charge. The water shall be located as close as practicable to the areas where employees are working. Where drinking water is not plumbed or otherwise continuously supplied, it shall be provided in sufficient quantity at the beginning of the work shift to provide one quart per employee per hour for drinking for the entire shift. Employers may begin the shift with smaller quantities of water if they have effective procedures for replenishment during the shift as needed to allow employees to drink one quart or more per hour. The frequent drinking of water, as described in subsection (h)(1)(C), shall be encouraged.

As this issue is a matter of working conditions, at present, CWA has requested the company collectively bargain over this matter. Even though CWA has raised concerns with the new company policy, i.e., it is in direct violation of the Cal-OSHA Heat Illness Prevention Standard, the company has indicated it is planning to initiate its new water policy. Failing to resolve this issue in collective bargaining, after the policy is implemented, CWA would normally file multiple complaints with Cal-OSHA. However, given the financial costs and time factor issues upon the agency, to avoid the filing of complaints with Cal-OSHA, CWA would appreciate it if you would be able draft and provide an interpretive letter re. an employer's obligation under the OSHA Heat Illness Prevention Standard to provide outside employees with potable water supplies.

I look forward to your response. If you have any questions or I can provide additional information, please let me know.