



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

August 3, 2016

California Occupational Safety and Health Administration
C/O Legal Department
1515 Clay Street, Suite #1901
Oakland, CA 94162

Dear Sir or Madam:

The Los Angeles County Fire Department (Fire Department) would like to formally request an interpretation of **California Code of Regulations, Title 8, Section 3364** (Code 3364). We are currently in the process of conducting dual-gender restroom retrofitting at our 173 fire stations. However, it has recently come to my attention that some ambiguity may exist regarding the interpretation of this code, as it may be applied differently to a non-traditional staffing model. Based on this uncertainty, I am formally seeking an interpretation of Code 3364, as it pertains to our Fire Department's staffing model.

The Fire Department staffs all our 173 fire stations with Fire Fighters working 24-hour shifts. To better illustrate Fire Department staffing, I have included an example below, of the staffing at one of our facilities, Fire Station 1.

Example:

Fire Station 1 is staffed with four Fire Fighters working daily. Fire Station 1 contains three shifts, with each shift containing four Fire Fighters. Each of these shifts is assigned to work for a period of not less than 24-hours and begins at 8:00 A.M. and concludes the following day at 8:00 A.M. After working this 24-hour shift, all four Fire Fighters will be "relieved" by another shift of four Fire Fighters. Essentially, as one oncoming Fire Fighter arrives, his/her counterpart is "relieved" or is free to go home. Fire Station 1 maintains a staffing level of only four Fire Fighters working at any given time.

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS	BRADBURY	CUDAHY	HAWTHORNE	LA HABRA	LYNWOOD	PICO RIVERA	SIGNAL HILL
ARTESIA	CALABASAS	DIAMOND BAR	HIDDEN HILLS	LA MIRADA	MALIBU	POMONA	SOUTH EL MONTE
AZUSA	CARSON	DUARTE	HUNTINGTON PARK	LA PUENTE	MAYWOOD	RANCHO PALOS VERDES	SOUTH GATE
BALDWIN PARK	CERRITOS	EL MONTE	INDUSTRY	LAKEWOOD	NORWALK	ROLLING HILLS	TEMPLE CITY
BELL	CLAREMONT	GARDENA	INGLEWOOD	LANCASTER	PALMDALE	ROLLING HILLS ESTATES	WALNUT
BELL GARDENS	COMMERCE	GLEN DORA	IRVINDALE	LAWNDALE	PALOS VERDES ESTATES	ROSEMEAD	WEST HOLLYWOOD
BELLFLOWER	COVINA	HAWAIIAN GARDENS	LA CANADA-FLINTRIDGE	LOMITA	PARAMOUNT	SAN DIMAS	WESTLAKE VILLAGE
						SANTA CLARITA	WHITTIER

California Code of Regulations, Title 8, Section 3364, states:

Separate toilet facilities shall be provided for each sex according to the following table:

<u>Number of Employees</u>	<u>Minimum Number of Water Closets*</u>
1 to 15	1
16 to 35	2
36 to 55	3
56 to 80	4
81 to 110	5
111 to 150	6
Over 150	1 additional for each additional 40 employees or fraction hereof.

EXCEPTIONS:

When there are less than five employees, separate toilet rooms for each sex are not required provided toilet rooms can be locked from the inside and contain at least one water closet. (Title 24, Part 5, Section 5-910 (a)(1))

The Fire Department is seeking clarity and is asking that the following scenarios and questions be addressed:

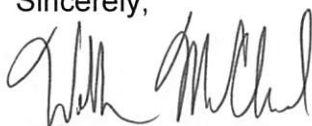
Should the Fire Department utilize the total number of employees (all three shifts combined) at a particular Fire Station to determine the minimum number of toilet rooms that are required within a particular facility? Utilizing the Fire Station 1 example above which contains three 24-hour shifts, each shift comprised of four personnel, therefore the total number of personnel working at this given facility is twelve, although only four personnel are working at this station per shift at any given time. Should the minimum number of toilet rooms be based on twelve or four personnel?

NOTE: Since the provision of showers is required for each ten employees working at a particular site (If there are less than 5 employees, the same shower can be used as long as the room containing the shower can be locked). The Los Angeles County Fire Department will address the minimum number of showers that are required, consistent with your interpretation of the minimum number of water closets required.

We will await your interpretation, however due to the sizeable impact that either opinion will have on our overall body of work, we humbly ask that this interpretation be expedited.

If you have any questions, please e-mail me at William.McCloud@fire.lacounty.gov or call my office at (323) 881-6153.

Sincerely,



WILLIAM McCLOUD, DEPUTY FIRE CHIEF
LEADERSHIP AND PROFESSIONAL STANDARDS BUREAU

WM:ec