



January 14, 2021

Heather Riel
Employee & Labor Relations Officer
Orange County Superior Court
700 W. Civic Center Drive
Santa Ana, CA 92701

Re: *Cal/OSHA Emergency Temporary Standard Compliance – Outbreak & Major Outbreaks*

Dear Ms. Riel:

I am writing to urgently convey OCEA’s heightened concern for the safety of our members assigned to certain Orange County Superior Court (OCSC) worksites due to the number of confirmed COVID-19 outbreaks and major outbreaks, as defined by the Cal/OSHA Emergency Temporary Standards (ETS). The apparent unabated spread of COVID-19 at OCSC worksites has led our members to reasonably conclude the Court is not complying with all of the mandates of the ETS. The dramatic increase in COVID-19 outbreaks and major outbreaks appears to support their conclusion.

ETS Outbreaks

As you know, the ETS define a COVID-19 “outbreak” as three or more cases in a 14-day period present in the same exposed workplace during the high-risk exposure period. Based on the chart below, which was compiled from the Court’s responses to our Request for Information (RFI), the Harbor Justice Center (HJC) worksite appears to be experiencing an “outbreak”:

Justice Center	# of COVID-19 Cases from 12/13 – 1/13 (20 cases in 30 days)	# COVID-19 Cases from 12/30 – 1/13 (3 cases in 14 days)
HJC	19	9

Having identified an outbreak at a OCSC worksite, the ETS require the Court to take the following actions at HJC:

- Provide immediate testing to all employees in the exposed workplace;
- Exclude positive cases and exposures from work;
- Repeat the testing one week later;
- Continue testing employees at least weekly until the workplace no longer qualifies as an outbreak;

- Investigate the workplace COVID-19 case to identify the source, cause, and potential exposures; and
- Clean areas where a COVID-19 case has been during the “high risk period.”

ETS Major Outbreaks

Additionally, the ETS define a “major outbreak” as 20 or more COVID-19 cases in an exposed workplace within a 30-day period. Based on the chart below, which was compiled from the Court’s responses to our Request for Information (RFI), the following three (3) OCSC worksites appear to be experiencing a “major outbreak”:

Justice Center	# of COVID-19 Cases from 12/13 – 1/13 (20 cases in 30 days)	# COVID-19 Cases from 12/30 – 1/13 (3 cases in 14 days)
CJC	61	16
LJC	23	13
WJC	45	10

Having identified major outbreaks at the above-referenced OCSC worksites, the ETS require the Court to take the following actions at each major outbreak worksite:

- Provide immediate testing to all employees in the exposed workplace at least twice weekly until there are no new cases detected for a 14-day period;
- Exclude positive cases and exposures from work;
- Clean areas where a COVID-19 case has been during the “high risk period.”
- Investigate the workplace COVID-19 case to identify the source, cause, and potential exposures;
- Implement ventilation changes to mechanical ventilation systems including increasing filtration efficiency to at least MERV-13, or the highest efficiency compatible with the ventilation system.
- Evaluate whether HEPA air filtration units are needed in poorly ventilated areas;
- Determine the need for a respiratory protection program or changes to an existing respiratory protection program under Government Code Section 5144 to address COVID-19 hazards; and
- Consider halting all or part of operations to control the virus.

Continuing Request for Information

When covered employers, such as the Court, effectively implement the ETS, they **slow** the transmission of COVID-19, **reduce** exposure risks for frontline workers, and **protect** the

community as a whole. In order to confirm the Court's compliance with the ETS mandates, OCEA requests information, on a continuing basis, that evidences the Court's response to the outbreaks and major outbreaks listed above.

Therefore, for the outbreak identified at HJC and for each outbreak going forward, please provide the following:

- Documentation that confirms immediate testing was provided to all employees in the exposed worksite;
- Documentation that confirms positive cases and exposures were excluded from the worksite;
- Documentation that confirms testing was repeated at least weekly;
- Documentation that confirms employees testing is continuing, or has continued, at least weekly until the workplace no longer qualifies as an outbreak; and
- Documentation that confirms the Court has cleaned areas accessed by the COVID-19 case during the "high risk period."

Likewise, for each major outbreak listed above and for each major outbreak going forward, please provide the following:

- Documentation that confirms immediate testing was provided to all employees in the exposed worksite;
- Documentation that confirms positive cases and exposures were excluded from the worksite;
- Documentation that confirms testing was repeated at least twice weekly;
- Documentation that confirms employee testing is continuing, or has continued, at least twice weekly until there are no new cases detected for a 14-day period;
- Documentation that confirms the Court has cleaned areas accessed by the COVID-19 case during the "high risk period";
- Documentation that confirms the Court implemented or is considering implementing ventilation changes to mechanical ventilation systems including increasing filtration efficiency to at least MERV-13, or the highest efficiency compatible with the ventilation system, if applicable;
- Documentation that confirms the Court evaluated or is evaluating whether HEPA air filtration units are needed in poorly ventilated areas;
- Documentation that confirms the Court determined or is determining the need for a respiratory protection program or changes to an existing respiratory protection program under Government Code Section 5144 to address COVID-19 hazards; and
- Documentation that confirms the Court considered or is considering halting all or part of operations to control the virus.

Additionally, please provide the following:

- A copy of the Court's Illness & Injury Prevention Plan, in compliance with Cal/OSHA's ETS standard, that covers each worksite listed above.

Please provide the requested information to Heather Sutherland (hsutherland@oceca.org) within one (1) business day of receipt of this letter and, thereafter, on an ongoing basis, as needed, for each outbreak and major outbreak at an OCSC worksite.

Thank you in advance for supporting the safety of OCEA workers during this public health crisis.

Sincerely,

ORANGE COUNTY EMPLOYEES ASSOCIATION

/s/

Charles G. Barfield
General Manager

cc: Shannon Mays-Fontaine, Chief Human Resources Officer