



May 6, 2020

To ESC Medical Professionals:

As we all continue to respond and adjust to the pandemic emergency, we write today with this update on ESC Local 20's recent work.

1. Safety for our members dealing with COVID-19 -- California's Aerosol Transmissible Disease (ATD) standard

In the health care workplace, the legal standards for worker safety that applies to our employers are set forth in California's Aerosol Transmissible Disease (ATD) regulations. COVID-19 is covered by the ATD standard because it is a novel virus and there is no evidence that allows reasonable certainty to rule out the possibility of transmission through airborne droplet nuclei. This means that higher standards of protection must be in place.

To comply with California ATD standard, employers must create and maintain a written exposure control plan, train employees about that plan, provide PPE, investigate and follow up on exposure incidents, and keep records.

In many instances, our employers are claiming that droplet protection only is required for worker safety. Our union, in accordance with California law, is taking the position that you need the appropriate work procedures and PPE for aerosolized transmission protection. Our staff has been trained on the ATD requirements and can assist you in asking for information from your management in regard to compliance with the ATD standard.

If you believe you the employer is asking you to perform work that is unsafe, contact your union representatives immediately.

2. Video Visits

Our employers are moving quickly to implement video visits for certain medical services. In general the union supports this transition, as a way to manage requirements for social distancing and still deliver care during the pandemic emergency. Please be aware, however, that procedures for video visits are a change in working conditions that need to be negotiated with the union. If you are being asked to undertake video visits as an element of your patient care duties, please confirm with your steward and/or union rep that there is an agreement in place for this type of work.

3. Worker's Compensation Claims and COVID-19

The Union is working with the broader labor movement to pass legislation that will protect health care workers who contract COVID-19 by creating a presumption in the worker compensation laws that all such cases were the result of exposures at work. This

commonsense change will put the burden on employers to prove that workers did not fall ill because of their jobs.

ESC Local 20 commends Sutter Health, one of our employers, for voluntarily adopting this presumption for its workforce. Sutter is doing the right thing, ahead of a legislative mandate. We hope to see similar action soon by other employers, including Kaiser.

Again, we thank you for all of your essential work.

In solidarity,

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