

DAVIS, COWELL & BOWE, LLP

Counselors and Attorneys at Law

San Francisco

595 Market Street, Suite 1400
San Francisco, California 94105
415.597.7200
Fax 415.597.7201

Barry S. Jellison (CA)

Steven L. Stemerman (CA, NV)

Richard G. McCracken (CA, NV)

W. David Holsberry (CA, NV)

Elizabeth Ann Lawrence (CA, NV, AZ)

Andrew J. Kahn (CA, NV, AZ)

John J. Davis, Jr. (CA)

Florence E. Culp (CA, NV)

Kristin L. Martin (CA, NV, HI)

Eric B. Myers (CA, NV)

Paul L. More (CA, NV, MA)

Sarah Varela (CA, AZ, NV)

Sarah Grossman-Swenson (CA, NV)

Elizabeth Q. Hinckle (CA)

Yuval Miller (CA)

Kyrsten Skogstad (CA, AZ)

David L. Barber (CA)

Robert P. Cowell (1931-1980)

of counsel:

Philip Paul Bowe (CA)

McCracken, Stemerman & Holsberry

1630 S. Commerce Street, Suite A-1
Las Vegas, Nevada 89102
702.386.5107
Fax 702.386.9848

March 28, 2014

Via Email (DGGold@dir.ca.gov)

Deborah Gold, Deputy Chief
Health and Engineering Services
Cal/OSHA
1515 Clay Street, Suite 1901
Oakland, CA 94612

Re: *UNITE HERE Revised Draft Hotel Housekeeper Musculoskeletal
Injury Prevention Program Standard*

Dear Ms. Gold:

On behalf of Petitioner UNITE HERE, Pamela Vossen and I have reviewed the draft standard ("Draft Standard") that the Division of Occupational Safety and Health proposed at the February 27, 2014 meeting of the Hotel Housekeeper Advisory Committee. We wish to thank the Division for its work on this proposal, and for the invitation to provide feedback. We believe that the Draft Standard represents a very important starting point for addressing the significant hazards that confront housekeeping employees in the hotel housekeeping industry. We commend the Division for its work.

We provide you the following comments and proposed revisions to the Draft Standard. Our comments address changes that we propose to the Draft Standard; these changes are reflected in a redlined document that we also attach. The redlined document further includes certain other proposed modifications that should speak for themselves without need for explanation. We are happy to clarify or discuss any of these proposed revisions.

In subsection (b), we expand the definitions set forth in three ways. First, we define the term "housekeeping" with greater specificity than is in the Draft Standard. This is intended to direct the attention of employers to aspects of housekeeping that they might not otherwise consider when they perform the Job Hazard Analysis required by the Draft Standard. In addition to providing more detail concerning housekeeping activities regularly performed within a guest room, the expanded definition makes clear that the standard covers the transportation of linen, cleaning supplies, and other materials between guest rooms and areas of the hotel where they are maintained (store rooms, supply rooms, laundry rooms). This should provide clarity for employers and employees concerning the "geographical" scope of the standard.

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Second, we propose a definition for the term “housekeepers.” The Draft Standard uses the term at various points, but does not define it. The proposed definition makes clear that the term “housekeeper” as used in the Standard includes not only persons who clean guest rooms, but also “housepersons” “runners” and other employees who perform housekeeping tasks outside the confines of guest room floors when transporting linen and other supplies.

Third, we include a definition of “musculoskeletal injury.” This is the same definition that appears in the Safe Patient Handling standard and clarifies that a musculoskeletal injury can be the product of an acute injury as well as a cumulative trauma. Having defined the term, we propose inserting at points later in the Draft Standard where appropriate.

In subsection (c)(2) we propose modifications to the Draft Standard that include a specification of a 90-day time period for performing the Job Hazard Analysis from the promulgation of the standard, or from the opening a new lodging establishment. We consider that a specific deadline for conducting the Job Hazard Analysis within the Prevention Program is important to provide clarity to employers subject to the standard.

In subsection (c)(2)(A), we propose that the use of a labor/management safety and health committee be mandatory, as opposed to optional, that the committee consist of housekeepers elected by their co-workers in equal numbers to management employees, and that their participation be without fear of retaliation. We consider the current language in section 3203(c) concerning the use of labor/management committees to be unduly vague, and that stronger language is needed to maximize the potential of labor/management safety and health committees as effective tools for identifying and controlling hazards.

In subsection (c)(2)(B), we propose greater specificity as to the tasks to which the Job Hazard Analysis must apply. For example, the term “supply cart” as it stands in the Draft Standard is not a “task” *per se*, but rather a tool that is used in the task of supplying rooms. Owing to the particular hazards inherent in handling supply carts, we propose identifying “supplying rooms” and “cart handling” as separate tasks for purposes of the Job Hazard Analysis. Greater specificity is proposed with respect to other housekeeping tasks along these same lines.

In subsection (c)(2)(C), we expand upon the factors that may lead to musculoskeletal injury to provide greater specificity in this respect. This will ensure that all factors associated with the incidence of musculoskeletal injury are considered in the Job Hazard Analysis.

In subsection (c)(2)(D), we provide greater specificity with respect to how and when the employer must notify housekeeping employees of the results of the Job Hazard Analysis. We believe the Job Hazard Analysis must be posted at a location readily accessible to employees and translated into languages spoken by them.

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In subsection (c)(2)(E), we provide greater specificity to when an updated Job Hazard Analysis must be performed. In particular, we identify room renovation is an explicit trigger for updating the analysis. The renovation of guest rooms is often the point in time when new and more burdensome cleaning requirements are imposed upon housekeeping employees, and mandates a reevaluation of the hazards imposed by the renovations.

In subsection (c)(4)(B), we propose language requiring that tools and other appropriate equipment should identified, piloted (that is examined for feasibility), implemented, and then evaluated. This order of review (which differs from the order presented in the Draft Standard), more accurately reflects in our view the proper means of determining the suitability of new tools and equipment.

Furthermore in subsection (c)(4)(B), we propose two alternatives for your consideration in light of our view that specific tools are necessary to address known housekeeping hazards. First, we propose that the “tools and other appropriate equipment” that an employer must implement under the standard should include as a minimum 1) fitted bed sheets; 2) mops; 3) long-handed and adjustable length tools for dusting and scrubbing walls, showers, tubs, and other surfaces; and 4) light-weight or motorized carts. We believe that an abundant basis exists for prescribing these requirements as a means to address musculoskeletal injury among housekeepers.

However, in the event that the Division considers it not advisable to prescribe specific tools and equipment in this standard, we propose as an alternative that the Division require employers to give thorough consideration to the suitability of the aforementioned tools and equipment to the particulars of their own workplace. While this approach remains programmatic instead of prescriptive, it nonetheless appropriately requires employers to examine the feasibility of these recognized controls to their own workplaces. The Division itself has recommended several of these controls as means to address musculoskeletal injury among housekeepers. Employers should be required to give them consideration in the Job Hazard Analysis.

In subsection (c)(5), we propose language that appropriately places the burden of compliance with the program onto employers. Employers have the ultimate managerial authority and responsibility to effectuate the provisions of the proposed standard, and we consider it useful to identify with greater specificity the steps that they are expected to take to assure this happens. This includes ensuring that supervisory employees themselves understand the Program, understand the tools and equipment deemed necessary under the Program and why they are necessary, and understand how to assist employees in putting into practice the specifics of the Program.

In subsections (c)(6) and (c)(7), we again propose that a mandatory labor/management health committee be a prescribed mechanism for communicating with affected employees concerning the specifics of the Program, and to review the effectiveness of the Program at each worksite. Subsection (c)(7), as revised, also proposes that the committee actively review OSHA

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300 logs and 301A reports to identify patterns of injury and what tools were used or not used at the time of injury.

In subsection (d), we expand upon the subject-matters to be included in training. This includes training in the right of employees not to work when the tools and equipment found appropriate under the Program are unavailable, and how they may communicate concerns about the hazards of assigned housekeeping duties to management. This further includes more specific requirements in terms of how to train employees about the tools, equipment and work practices that the employer includes in its Program.

In subsection (e), we specify additional records that must be maintained and propose that, consistent with the Job Hazard Analysis, the Program be posted in a location readily accessible to affected employees.

UNITE HERE also proposes that the Division develop and include a mandatory appendix. The mandatory appendix should consist of two items.

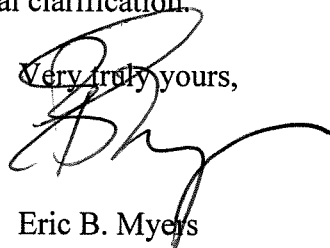
First, the Division should develop a checklist of potentially hazardous housekeeping activities that employers must consider and include in their Job Hazard Analysis. The use of such a checklist ensures that employers across the industry are considering the same risk factors. The Division is well-positioned to draft such a checklist because it has itself performed a job hazards evaluation in a hotel setting, as has federal OSHA. We provide links to materials that may serve as the basis for developing such a checklist, and we will be happy to provide further input into such a document. While we have not seen it, and therefore cannot access it, the hotel industry has indicated that it is developing a model IIPP, which may also provide a useful basis for developing this checklist.

Second, the Division should develop an informational poster and educational handouts in relevant languages that hotel employers must post in their housekeeping departments and make available to housekeeping employees. These materials should outline the requirements of this Standard and notify employees of their rights under it, and should also provide information about recognized best practices for housekeeper safety.

Finally, we identify further documents that should be included in the proposed non-mandatory appendix.

Thank you for providing us the opportunity to give you our input. We are happy to discuss our proposals should you wish for additional clarification.

Very truly yours,



Eric B. Myers