July 21, 2022

TO: All Prisons Staff

FROM: Mike Obenland, Assistant Secretary, Men’s Prison Division
       Jo Wofford, Deputy Assistant Secretary, Women’s Prison Division

SUBJECT: Clarification of Mandatory N95 Respirator Use

As there continues to be confusion and conflicting points of view, this memo clarifies mandatory N95 respirator use in quarantine and isolation. We will continue to meet our collective bargaining obligations by engaging in bargaining with Teamsters about the impacts of mandatory N95 respirator use, not the directive itself.

As COVID-19 conditions require, employees will be directed to be fit tested and comply with PPE requirements (N95) when the units/areas in which they respond or work are designated as quarantine or isolation. This includes all positions working in or accessing the quarantine or isolation areas.

In keeping with the Teamsters 117 Collective Bargaining Agreement, CDC and L&I guidance, and the Department of Corrections (DOC) policy, employees are expected to be medically cleared, fit tested, and clean-shaven around the fit seal of the selected respirator when assigned to a position working in an isolation or quarantine unit/area. Although the Department has preidentified mandatory respirator positions, COVID-19 creates a rapidly changing environment. Consequently, as units/areas are identified as quarantine or isolation, more positions will become mandatory respirator required.

As directed by the Department of Labor and Industries, the Department of Corrections cannot allow employees to work in isolation or quarantine units/areas unless they are properly respirator compliant, including remaining clean-shaven around the seal, medically cleared, and fit tested.

References:
Teamsters 117 Collective Bargaining Agreement, Article 13 - Safety and Health:
In recognition that the nature of work performed in correctional facilities by employees is potentially hazardous, the employer and the union agree to cooperate in maintaining a safe and healthy workplace. The Employer agrees that no employee should work or be directed to work in a manner or condition that does not comply with accepted safety practices or standards as established by the Agency’s Safety and Health Program, Department of Labor

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and Industries, State of Washington, and other applicable regulatory requirements. The
Employer will comply with federal and state safety standards, including requirements
relating to first aid training, first aid equipment and the use of protective devices and
equipment. Employees are obligated to work in a safe manner, including use of proper
safety devices and protective equipment as required by the employer and take necessary
action through the proper use of personal protective equipment provided and mandated by
the Agency to prevent the spread of communicable, environmental, and infectious disease.

**DOC Policy 890.090:**

**Policy:**

I. Employees, contract staff, and incarcerated workers will use respirators to reduce
their exposure to hazardous airborne contaminants and hazardous environments.

II. The Department has established procedures for the proper fit and maintenance of
respirators to contribute significantly to a safe and healthy work environment.

I.B. Only employees, contract staff, and incarcerated workers that are medically cleared
with current fit testing will be permitted to wear respirators.

**DOC COVID-19 PPE Matrix:**

Fit tested N95 use is required if in a quarantine or isolation unit or having contact with
COVID positive individuals with or without symptoms.

**CDC Guidance - Covid Guidance for Correctional-Detention Facilities:**

N95 use for staff working in medical isolation or quarantine areas (without close contact
with person under quarantine or isolation precautions) and having close contact with
(including transport) or care to persons under quarantine or isolation precautions.

**L&I – Citation 317963819:**

DOSH requires a fit tested N95, or higher level of respiratory protection, for any
interactions with people who are suspected to have COVID-19.

MO:rc

cc: Cheryl Strange, Secretary
    Sean Murphy, Deputy Secretary