

Know Your Rights and Stay Safe

MOU Article 13: Safety, Section 13.3: Complaints

Where the employee has a good faith belief that a work assignment presents health and safety risks outside those normally associated with the work, he/she must report the issue to their immediate supervisor. The supervisor will meet with the employee, assess the concern, and determine appropriate and necessary actions to ensure the risks do not remain. While the employee is awaiting the arrival of the supervisor, the completion of his/her assessment, and the implementation of the appropriate safeguards, the employee shall not be required to perform the disputed assignment. Once appropriate safeguards are in place and/or if no immediate risk of injury exists, the unit member is expected to continue in their assignment without work interruption.

If the safety or health concern involves work that presents an immediate risk of injury to the unit member, his/her co-workers, or the public, the unit member may refuse to begin or continue the work assignment. The employee must immediately report the immediate health and safety risk to his/her immediate supervisor. The supervisor shall assess the situation to determine the appropriate response to the immediate risk.

If the health and safety dispute is not resolved on the day it is brought to the attention of the supervisor, the employee may request that the issue(s) be presented by the Union to Employee Relations and Risk Management for review. The employee, Union, and the City shall meet within 3 working days of the escalation of the complaint to that level unless mutually extended by the City and the Union. The issues presented will be reviewed and further investigated, and recommendations for remedial action will be presented to the Department for implementation.

No employee shall be subject to retaliation for reporting safety or health concerns, participating in any procedures set forth in this section, or refusing to start or continue a work assignment pursuant to this section. No employee shall be subject to discipline for initiating or pursuing a complaint through the procedures of this section, including refusing to start or continue any work assignment, unless it is finally determined that the employee did not have a reasonable, good faith belief in the reported health and safety concern.

The Union may elect to employ its own safety consultant to investigate.

SEIU1021.org/city-oakland | facebook.com/seiu1021/ | twitter.com/seiu1021
Questions? Problems? Email your field rep: julio.corral@seiu1021.org

