

ALASKA STATE LEGISLATURE
JOINT MEETING
HOUSE STATE AFFAIRS STANDING COMMITTEE
HOUSE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE
Anchorage, Alaska
July 15, 2020
10:02 a.m.

MEMBERS PRESENT

HOUSE STATE AFFAIRS STANDING COMMITTEE

Representative Zack Fields, Co-Chair
Representative Jonathan Kreiss-Tomkins, Co-Chair (via
teleconference)
Representative Grier Hopkins (via teleconference)
Representative Steve Thompson (via teleconference)
Representative Sarah Vance (via teleconference)

HOUSE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

Representative Tiffany Zulkosky, Chair (via teleconference)
Representative Ivy Spohnholz, Vice Chair (via teleconference)
Representative Matt Claman (via teleconference)
Representative Harriet Drummond (via teleconference)
Representative Geran Tarr (via teleconference)
Representative Sharon Jackson (via teleconference)

MEMBERS ABSENT

HOUSE STATE AFFAIRS STANDING COMMITTEE

Representative Andi Story
Representative Laddie Shaw

HOUSE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

Representative Lance Pruitt

OTHER LEGISLATORS PRESENT

Representative Sara Hannan (via teleconference)
Representative Kelly Merrick (via teleconference)
Representative Mike Prax (via teleconference)

COMMITTEE CALENDAR

PRESENTATION(S) : COVID SAFETY AT HIGH RISK FACILITIES

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

MARVIN JONES, President/Executive Board Member
Unite Here Local 878
Anchorage, Alaska

POSITION STATEMENT: Testified during the presentation on COVID-19 safety at high-risk facilities.

JOSHUA WILSON, Business Agent
Alaska Correctional Officers Association
Anchorage, Alaska

POSITION STATEMENT: Testified during the presentation on COVID-19 safety at high-risk facilities.

JAKE METCALFE, Executive Director
Alaska State Employee Association
Anchorage, Alaska

POSITION STATEMENT: Testified during the presentation on COVID-19 safety at high-risk facilities.

BARRY YABYABIN, Juvenile Justice Officer
McLaughlin Youth Center
Anchorage, Alaska

POSITION STATEMENT: Testified during the presentation on COVID-19 safety at high-risk facilities.

CORINNE CONLON
Juneau, Alaska

POSITION STATEMENT: Testified during the presentation on COVID-19 safety at high-risk facilities.

ACTION NARRATIVE

[10:02:42 AM](#)

CO-CHAIR ZACK FIELDS called the joint meeting of the House State Affairs Standing Committee and the House Health and Social Services Standing Committee to order at 10:02 a.m. Representatives Hopkins (via teleconference), Thompson (via

teleconference), Vance (via teleconference), Kreiss-Tomkins (via teleconference), Drummond (via teleconference), Jackson (via teleconference), Tarr (via teleconference), and Zulkosky (via teleconference), and Fields were present at the call to order. Representatives Vance (via teleconference), Spohnholz (via teleconference), and Claman (via teleconference) arrived as the meeting was in progress.

PRESENTATION(S): COVID Safety at High Risk Facilities

[10:02:56 AM](#)

CO-CHAIR FIELDS announced that the only order of business would be a presentation on COVID-19 safety at high-risk facilities.

[10:04:03 AM](#)

MARVIN JONES, President/Executive Board Member, Unite Here Local 878, informed the committee that Unite Here Local 878 represents hotel workers across Alaska. He said members are terrified of going to work and getting sick or spreading the virus to others. He added that many of them have families or take care of elderly parents. He reported that there have been four confirmed cases of coronavirus amongst Hilton Anchorage employees. He recalled testimony from the previous committee hearing about a hotel worker who was exposed to an infected guest. He claimed the hotel knew the guest was infected and did not inform the workers for several days. He stressed the need for enforcement, decisiveness, and a way to shut down hotels that are not operating safely, "before it's too late." Furthermore, he recounted that quarantined hotel guests are free to move in and out of the hotel and hold gatherings that could spread the virus. He opined that implementing additional cleaning procedures and clear, enforceable rules could lower the risk of transmission at hotels. He also provided three suggestions to increase hotel safety during this time. Firstly, provide workers and hotel guests with masks and PPE; secondly, immediately inform workers of a positive case; and thirdly, provide workers with paid leave to get tested, await their results in self-quarantine, and continue quarantining if they are infected. He explained that workers feel financial pressure to work even if it's not safe. He noted that he recently made several visits to hotels throughout Anchorage and is extremely concerned with the lack of preparation and safety protocols.

CO-CHAIR FIELDS introduced a video recorded by a Hilton Anchorage employee.

10:08:04 AM

CO-CHAIR FIELDS played the video from 10:08 a.m. to 10:13 a.m.

10:13:12 AM

CO-CHAIR FIELDS said last week, the committee heard about the lack of state regulations pertaining to workplace safety. He apologized for the video's sound quality, adding that it was recorded during a conversation with the employer's supervisor. He explained that in the video, [it sounds like] the employee is being pressured to work in unsafe conditions while awaiting a coronavirus test result.

10:14:05 AM

REPRESENTATIVE JACKSON provided her interpretation of the video. She expressed concern about Mr. Jones' comments regarding the [Coast] Inn not being cleaned properly. She offered her understanding that the FMLA [Family and Medical Leave Act] would cover the pay for an employee who tests positive for COVID-19.

REPRESENTATIVE FIELDS, recognizing the poor sound quality, asked Mr. Jones to summarize the video. Additionally, he asked for further detail on staffing and cleaning for COVID-19. He acknowledged Representative Jackson's point regarding federal laws for coronavirus-related leave and asked Mr. Jones to address whether that's being complied with.

10:16:30 AM

MR. JONES noted that he personally spoke with the employee who recorded the video. He said the employee was trying to convey that she got tested for COVID-19 after experiencing symptoms. In the video, she was attempting to verify if she was expected to return to work in three days if her test was negative. He explained that confusion ensued between the worker and supervisor regarding the worker's return to work. He said the hotel began providing PPE for its workers in the last several weeks. He also reported that there was only one sanitizer dispenser in the basement level where both locker rooms, the employee cafeteria, engineering, and security are located. Furthermore, he said there was no social distancing policy in the break room and soap and paper towel dispensers were empty for an entire two-week period. He noted that Unite Here acquired video that supports those observations. He stated that

now, the hotel has implemented social distancing and provided basic cleaning supplies, such as paper towels. He expressed his concern that part of the hotel is being used for quarantining cannery employees. He reported that hotel employees were entering the cannery workers' rooms without knowledge that they were unsafe and restricted. Furthermore, he said there has been no COVID-19 training provided to the hotel workers thus far. He reiterated that workers are scared because four [hotel] employees have tested positive.

CO-CHAIR FIELDS asked if the state should issue regulations that provide workers with the ability to not show up to an unsafe workplace and protect them from retaliation for that decision.

[10:20:41 AM](#)

MR. JONES answered, "definitely."

[10:20:52 AM](#)

REPRESENTATIVE VANCE asked if the Hilton Anchorage was invited to testify.

REPRESENTATIVE FIELDS said Hilton Anchorage was not invited. He stated that the hotel would have been added to the agenda if he was made aware of the video prior to yesterday. He indicated that the committee would reconvene, possibly next week, to continue examining workplace issues.

REPRESENTATIVE VANCE implored the committee to "afford everyone due process if they are going to be publicly exposed." She opined that the [Hilton Anchorage] should have the opportunity to share what measures they have taken, or not taken, to ensure the safety of their employees.

REPRESENTATIVE FIELDS agreed. He said he would invite Hilton Anchorage to testify on COVID-19 safety issues next week. He introduced the next testifier, Joshua Wilson, who would be revisiting the discussion on high-risk facilities. He noted that national statistics indicate as many as 40 percent of deaths in the U.S. have occurred in high-risk facilities, such as prisons and long-term care facilities.

[10:22:54 AM](#)

JOSHUA WILSON, Business Agent, Alaska Correctional Officers Association, said it's imperative that correctional officers and

first responders have the appropriate resources to combat COVID-19. He remarked that the Department of Corrections (DOC) cannot adhere to the governor's public health mandate due to facility setting in which social distancing is not an option. He explained that certain facilities house over 100 inmates per mod and remand over 600 inmates per week. He stated that coronavirus will get into these facilities, so mitigation is the priority. He applauded DOC for announcing that it would start testing every remand entering the facilities; nonetheless, he said there's more that could be done. He reported that nationally, COVID-19 has taken the lives of 55 correctional officers. In Alaska, five facilities have had confirmed COVID-19 cases, including Lemon Creek Correctional Center, Fairbanks Correctional Center, Anchorage Correctional Center, Goose Creek Correctional Center, and the Mat-Su Pretrial Facility. He explained that in 2019, DOC experienced a staffing crisis that still exists. He said even today, the department doesn't have the necessary number of staff to meet the basic security and operational requirements within facilities, resulting in chronic reliance on overtime, which is costly for DOC. Furthermore, he explained that "forced" overtime leads to officer burnout, high turnover, and rolling lockdowns throughout facilities, all of which are intensified by the addition of COVID-19. He acknowledged the legislature for recognizing the existing problems and in 2019, appropriating funds to recruit officers and open Palmer Correctional Center; however, he noted that the Palmer facility has yet to open. He offered his belief that if the Palmer Correctional Center had opened, it could be operating as an area for quarantine or high-risk individuals. Additionally, he reflected on funds appropriated for an officer recruitment team. He expressed his frustration that the team is not operational despite the funds being available since July 1, 2020. He addressed PPE and emphasized the importance of making the correct equipment available to correctional officers.

[10:28:18 AM](#)

MR. WILSON opined that there should be more coordinated communication between DOC and correctional officers or their representatives. He noted that the state canceled their weekly meetings with unions over a month ago. He said the Alaska Correctional Officers Association (ACOA) filed an unfair labor practice in an effort to bargain for proper PPE, leave related to COVID-19, and health and safety requirements. He stated that DOC is not telling ACOA when a correctional officer tests positive and has only met with the association once in the past 9 months. He reiterated that correctional officers are on the

frontline of the COVID-19 pandemic. He opined that DOC should be willing to bargain with the officers' representative to ensure that they have the necessary resources.

[10:30:11 AM](#)

REPRESENTATIVE ZULKOSKY said officials in other states have suggested that correctional facilities are not at risk because they are effectively closed off from the public. She asked Mr. Wilson to highlight how clusters and outbreaks of COVID-19 in correctional facilities can impact broader communities in Alaska.

MR. WILSON restated that over 600 people are remanded to an Alaska correctional facility every week, but most of them do not stay. He recalled two positive cases from remanded individuals at the Mat-Su Pretrial Facility, adding that by the time their positive results came back, both individuals had already been released into the community. Furthermore, he pointed out that with over 100 inmates per mod, transmission can easily spread. He said there are challenges within every facility and creating distance is ideal but challenging.

[10:33:01 AM](#)

REPRESENTATIVE ZULKOSKY referencing the outbreak at Lemon Creek Correctional Center, asked what mitigating actions were taken and how it impacted worker safety. Additionally, she asked if the outbreak could have been handled differently.

MR. WILSON said the goal is to mitigate the spread and transfer as much as possible. He opined that quickly conveying information to staff and inmates is beneficial. Additionally, he expressed his hope that upon the identification of a positive case, the facility would reach out to any potentially exposed individuals and inform the entire facility of testing procedures and locations. He also recommended providing the appropriate PPE to correctional officers, staff, and inmates, as well as offering alternative housing for officers who don't want to infect their families.

[10:35:46 AM](#)

REPRESENTATIVE ZULKOSKY asked if DOC has followed that preferred process when confirmed cases have surfaced in Alaska correctional facilities.

MR. WILSON said DOC has initiated contact tracing and, in some cases, has informed the entire facility staff. He offered his belief that there could be better communication regarding testing availability and the alternative housing for correctional officers.

[10:37:50 AM](#)

REPRESENTATIVE DRUMMOND asked how many confirmed COVID-19 cases have been identified amongst DOC staff and inmates and how the virus entered the facilities. Additionally, she asked if inmates are currently allowed to have visitors and what the visiting procedures are.

MR. WILSON said it is unknown how COVID-19 got into the correctional facilities. He noted that the DOC posts the number of positive inmate cases on its website. He reported that positive cases include one inmate at the Goose Creek facility, one at the Anchorage facility, and four remands from the Fairbanks and Mat-Su facilities. He added that there have been positive staff cases at multiple facilities; however, DOC does not inform ACOA when a correctional officer tests positive.

[10:41:55 AM](#)

REPRESENTATIVE DRUMMOND asked if DOC was invited to testify and respond to these issues.

REPRESENTATIVE FIELDS said the department was invited but declined to attend.

[10:42:23 AM](#)

REPRESENTATIVE JACKSON sought to clarify whether visitation is allowed in Alaska correctional facilities and what the current protocols are.

MR. WILSON said there are no visitors allowed in DOC right now. He opined that it's a good policy that's mitigating the risk of COVID-19 entering facilities and protecting both the inmate population and the staff. He noted that inmates are currently allowed additional phone calls so they can communicate with their families. He said the facilities are also implementing the use of telecourt functions and hearings via phone or computer to reduce transportation and potential transmission.

[10:44:16 AM](#)

REPRESENTATIVE FIELDS asked if there is a universal testing procedure for DOC employees.

[10:44:39 AM](#)

MR. WILSON explained that on July 1, 2020, DOC began testing every remand that enters a correctional facility. Regarding inmates that are already held in the system, there's not a process unless they show COVID-19 symptoms, in which case they are quarantined in a quarantine-specific mod. He shared his understanding that transferred prisoners are also tested. He expressed his hope that DOC will continue to test every inmate before being transferred to another facility to reduce the possibility of spread.

REPRESENTATIVE FIELDS asked if correctional officers have access to N95 masks.

MR. WILSON said sometimes yes, sometimes no. He recalled officers voicing concern about being asked to wear the same mask throughout the entire workweek. Regarding the provision of PPE, he expressed further concern that other professions are being prioritized over correctional officers. He reemphasized the importance of providing PPE to frontline workers, such as medical staff and correctional officers.

REPRESENTATIVE FIELDS pointed out that police officers have had access to N95 masks since the start of the pandemic. He opined that correctional officers should as well. He said PPE should be available in sufficient supply to function properly. He asked if the facilities' HVAC systems have been updated with adequate filtration and appropriate modifications to introduce more outside air rather than recirculating the same air.

[10:48:27 AM](#)

MR. WILSON deferred to DOC. He reiterated that clear communication would address many concerns expressed by correctional officers and other staff within the facilities.

REPRESENTATIVE FIELDS sought to clarify the intended timeframe for reopening the Palmer Correctional Center, as it could help relieve overcrowding and reduce the risk of transmission.

[10:49:27 AM](#)

MR. WILSON explained that in 2019, the legislature appropriated over \$16 million dollars to open Palmer Correctional Center; however, DOC opted to attempt to privatize the department and send Alaskan inmates out of state. He shared his understanding that the decision was heavily criticized by the legislature and ultimately, DOC withdrew the effort. He said the intent was to open the facility last year, but it is still not open. He expressed his hope that the facility could hold high-risk individuals or confirmed positive cases.

[10:50:45 AM](#)

REPRESENTATIVE VANCE asked Mr. Wilson if he represents the labor union.

MR. WILSON said yes, he represents ACOA with the union that represents correctional officers in Alaska.

REPRESENTATIVE VANCE asked if ACOA collects union dues.

MR. WILSON answered yes.

[10:51:16 AM](#)

REPRESENTATIVE VANCE asked if the union has made any effort to provide correctional officers with PPE.

REPRESENTATIVE FIELDS asked Mr. Wilson to provide further background on workplace conditions and collectively bargained institutions under state and federal law.

[10:52:04 AM](#)

MR. WILSON responding to Representative Vance, explained that ACOA was coordinating with several groups to provide officers cloth masks, as N95 masks were unavailable. He said ultimately, DOC provided each officer with two cloth masks and are currently working towards providing them with the required PPE, per CDC recommendations. He stated that ACOA continues to try to work with DOC on equipment availability; however, the department has refused to bargain those issues.

[10:53:43 AM](#)

REPRESENTATIVE VANCE asked if the cloth masks are insufficient protection. She sought to clarify whether ACOA has specifically requested N95 masks from the department.

MR. WILSON clarified that ACOA would like N95 masks to be available for the correctional officers who want to wear them. He offered his understanding that the CDC recommends N95 masks when dealing with positive cases or individuals with COVID-19 symptoms. He said ACOA negotiates and bargains for the PPE available to officers. He added that ACOA encouraged DOC to apply for \$600,000 in CARES Act funds for PPE and additional costs related to COVID-19.

[10:55:41 AM](#)

REPRESENTATIVE VANCE asked how many N95 masks would suffice for correctional officers.

MR. WILSON said N95 masks should be available for officers who want to use them. He shared his understanding that, per CDC guidelines, masks should be single use.

REPRESENTATIVE FIELDS agreed that masks are supposed to be for one-time use. He opined that the federal government "bungled" the provision of PPE. He said health care providers do not have enough PPE; nonetheless, they are not expected to wear one N95 mask for the entire week like correctional officers are.

[10:57:14 AM](#)

REPRESENTATIVE VANCE expressed interest in providing DOC with access to mask sterilization to extend usage for proper protection.

REPRESENTATIVE FIELDS directed attention to an article, entitled "Punishment by Pandemic," [included in the committee packet]. He explained that the article highlighted a worst-case scenario for correctional institutions and reported on Wellpath's treatment of coronavirus inside penitentiaries. Considering Wellpath's role at Alaska Psychiatric Institute (API), he informed the committee that a representative from DHSS was invited to testify but declined to attend.

[10:59:08 AM](#)

JAKE METCALFE, Executive Director, Alaska State Employee Association, stated that ASEA represents over 8,000 state employees, many of whom are essential workers on the frontline of the pandemic. He said they risk their own health and the health of their loved ones to keep Alaska citizens safe. He

added that their only request is for a safe workplace. He reported that many state employees fear retaliation for voicing concern. He indicated that their stories matter and read the following email [original punctuation provided]:

On Monday, four of six probation officers in my office were exposed to a defendant that tested positive for COVID-19. Since that time, the whole office has had close contact with each other throughout the workdays. Today, we were notified of the defendant testing positive and three of the six officers were sent home with no guidance on when they could return to work. The pretrial supervisor had previously denied us being able to telework as we are returning to normal operations. Despite that statement, we are not at normal operations and we are being put at risk due to the number of people we have in and out of our office. I realize that the union is fighting this, to some extent, in every office, but wanted you to have the basic information from my office. I hope are able to work from home still and stay healthy.

MR. METCALFE noted that ASEA received a follow-up email, which read as follows [original punctuation provided]:

Thus far, the state ordered the three officers that were exposed to get tested. It sounds like they are supposed to use their insurance for testing and then if there is an out-of-pocket co-pay, the state will reimburse them. Once officer has returned to work and two offices are still awaiting results. I went and had myself tested due to having secondary insurance through my wife that allowed no cost testing. The other two officers ... have not been tested.

ME. METCALFE said the next email, from an ASEA member who works at the Pioneer Home, read as follows [original punctuation provided]:

I am a nurse III at the Pioneer Home. We were informed last week that the families are going to start coming and seeing their relatives living in the facility today. I understand there is a concern regarding the residents' mental state for not being able to see their loved ones, but taking into

consideration Maslow's hierarchy of needs, it's not a priority. As a nurse, it is still their physical health and safety that comes first and that I am just concerned about the residents being exposed to COVID-19, getting sick, and dying as well as the whole staff getting infected. We were all tested for COVID-19 on June 22 - staff and residents - and then just the staff every two weeks. And there's no way to find out that those visiting new families have been tested or not. It is pointless at this moment for us, staff only, to be tested for COVID-19 when the residents are continuously being exposed. I spoke to my nursing supervisor about my concern and we are on the same page. She informed me with regret that it is an order from the corporate office. Several staff members came to me today stating that they don't feel safe working here anymore. They are getting anxieties and are scared for the residents' health and eventually the staff and our respective families if they turn out to be asymptomatic and positive. I for one, have a child I am trying my best to protect from getting sick. As an advocate for the residents, I feel I am responsible for making the residents, as well as the staff, feel that they are protected. But allowing visitation amidst this pandemic is something I see that is unnecessary. I'd like to request an extension of the lockdown and not allow visitation until further notice as cases of COVID-19 have doubled. Also, I'd like my identity to be kept anonymous. Thank you. Hoping for your kind consideration.

[11:04:58 AM](#)

MR. METCALFE noted that ASEA hears about similar issues from API. He said API has voiced concern about inconsistent mask policies, impossible social distancing requirements, and PPE. He stated that ASEA members would like to work safely and provide services to the public; they want to be part of the solution to this public safety crisis. However, for that to happen, they must be involved in the decision-making process; they need to be listened to; and they need clear, concise communication from employers. He emphasized that ASEA has asked the state to negotiate on health and safety issues and doesn't understand why it is not happening.

[11:07:28 AM](#)

REPRESENTATIVE FIELDS inquired about Wellpath's role during the pandemic in terms of management and coronavirus-related practices.

MR. METCALFE stated that currently, communication is nonexistent between ASEA and DHSS. He noted that ASEA is discussing facility operations with API's governing body. He offered his understanding that Wellpath is managing the facility with a limited contract. He deferred to DHSS for further comment.

[11:09:05 AM](#)

REPRESENTATIVE FIELDS restated that administration declined to appear. Considering Wellpath is literally condemning people in facilities to death in other states, he said it would be important to hear an explanation of Wellpath's role and whether Alaskans will receive fairer treatment. He asserted that Wellpath's record in other states is abominable and encouraged committee members to refer to the aforementioned article. He asked Mr. Metcalfe if the department is implementing HVAC and other air quality improvements and reminded members that many existing HVAC systems do not have adequate filtration to capture COVID-19 particles; therefore, recirculating air within facilities can spread the virus.

MR. METCALFE said the issue of visitation policy has come up in pioneer homes and the McLaughlin Youth Center. He expressed his concern that if people are brought into facilities without being tested, recirculated air could potentially spread the virus throughout the institutions. He said opening facilities to visitors indicates that there is no longer an emergency. He added that the employees have the right to negotiate to ensure satisfactory health and safety practices are being followed. He emphasized the importance of health and safety discussions, clear and concise communication, and transparency.

[11:14:01 AM](#)

BARRY YABYABIN, Juvenile Justice Officer, McLaughlin Youth Center, informed the committee that he has been a public employee for 13 years. He shared his belief that public service is a calling to serve the people of Alaska, even during the pandemic. He acknowledged the importance of providing PPE to public employees to allow them to continue to work safely. He explained that McLaughlin Youth Center is a seven-unit facility that works with youth, ages 18-21. He said this is the third week that various units in McLaughlin are without sanitation

products, including wipes and soap, which has compelled his colleagues to bring in products from home. Additionally, he said there is a lack of employee participation regarding policy and mitigation plans. He continued to explain that a majority of colleagues have voiced concern about inadequate testing and screening protocols and opined that the state is not taking their health seriously. To conclude, he stated that 24-hour (indisc.) are vulnerable and require clear and comprehensive mitigation plans that must be developed with employee involvement, as well as other stakeholders and professionals. He opined that communication needs to improve, especially as it relates to PPE availability and resupply. Furthermore, he shared his understanding that the communication between ASEA and the state requires additional improvement. He added that everyone should have access to testing especially upon the identification of a positive case.

[11:20:30 AM](#)

REPRESENTATIVE FIELDS recalled the exchange between the attorney general and Anchorage's municipal attorney regarding the mayor's mask requirement in shared spaces. He asked for ASEA's take on that public dispute and questioned whether employees and visitors are wearing masks in state facilities.

MR. YABYABIN reported that there is signage that emphasizes the importance of wearing a mask. He also expressed concern that visitation protocol does not require testing and relies on temperature screening alone. He noted that he and his colleagues do wear masks during their shifts at McLaughlin Youth Center.

[11:22:59 AM](#)

REPRESENTATIVE JACKSON expressed her concern with inconsistencies in visitation policy. She asked if masks are an option for visitors.

MR. YABYABIN said thus far, no visitors have refused to wear a mask; nonetheless, McLaughlin staff is constantly reminding visitors to keep their masks on when inside the facility.

[11:24:12 AM](#)

REPRESENTATIVE JACKSON asked if the facility has the authority to ask a visitor to leave if he or she refuses to wear a mask.

MR. YABYABIN said he does not know.

REPRESENTATIVE JACKSON asked the committee to follow up on that question.

REPRESENTATIVE FIELDS confirmed that. He asked Mr. Metcalfe for ASEA's position on Anchorage's face covering mandate and whether the mandate is being followed.

[11:25:45 AM](#)

MR. METCALFE opined that a mandatory mask policy is appropriate considering the recent surge in coronavirus cases in Alaska. He added that masks are a health and safety precaution for correctional officers working in 24-hour facilities. Additionally, he said a mask policy should be negotiated for procedural clarity and for worker and resident safety.

[11:28:25 AM](#)

REPRESENTATIVE DRUMMOND asked if the two coronavirus cases in McLaughlin Youth Center are among the staff or [residents] and what procedures have been followed.

MR. YABYABIN clarified that McLaughlin had two total cases to date, but only one case is currently active. He explained that the resident who tested positive is quarantining in an empty unit.

[11:30:38 AM](#)

REPRESENTATIVE DRUMMOND asked how the staff is interacting with the quarantined resident.

MR. YABYABIN explained that the quarantined resident can still make phone calls, eat meals, and shower. He noted that all McLaughlin residents are eating meals in their respective units to limit daily movement.

[11:32:06 AM](#)

REPRESENTATIVE DRUMMOND deduced that the quarantined resident is still receiving regular service from the staff. She asked how the McLaughlin staff practices social distancing in the facility.

MR. YABYABIN shared that in his unit, social distancing is difficult because 18 of the 20 beds are full. He said the staff separates chairs and utilizes the different wings in the building. He added that McLaughlin relies on opening windows or doors to circulate fresh air as the facility does not have an HVAC system.

[11:33:42 AM](#)

REPRESENTATIVE DRUMMOND asked if residents get time outside.

MR. YABYABIN answered yes, McLaughlin residents get recreational time outside.

[11:34:32 AM](#)

REPRESENTATIVE FIELDS reiterated the importance of adequate filtration and the introduction of outdoor air. He noted that because most buildings were not designed with a pandemic in mind, the committee would revisit the issue in a subsequent meeting and hear from air quality experts about indoor air quality, HVAC filters, and the introduction of outdoor air.

[11:35:37 AM](#)

CORINNE CONLON offered her perspective as a former state employee who opted to resign from her position due to health concerns. She opined that because she was fortunate enough to take time off from work, she can speak more freely than other state employees about the current situation. She said she worked for the Department of Labor & Workforce Development (DLWD) as an Employment Security Analyst I. On March 1, 2020, she developed sever bronchitis, which caused her to transition to telework until the department asked employees to return to their offices on June 8. She recalled being assured of a reopening plan and being told not to ask questions. The plan, she said, was unveiled on June 5, and entailed washing hands, sanitizing workspaces, staying home when sick, and optional mask wearing.

[11:39:32 AM](#)

MS. CONLON explained that as an employee with health concerns, she immediately researched CDC guidelines and Dr. Zink's online posts about reopening and indoor workspaces. She said she developed eight questions, which she took to her union representative. She indicated that health and safety procedures

lacked consistency; for example, within DLWD, telework for one division stretched into August and employees were told not to enter the building unless compelled, while her division was asked to reenter the building on June 1 for training. She expressed concern that employees do not have a voice regarding the management of health and safety issues. Additionally, she expressed strong concerns about reentering an environment with recirculated air. She highlighted several remaining topics of concern, including procedures for sick or at-risk employees, air circulation, and mask policy. Ultimately, she explained that her health took precedence over her job when human resources said she was required to return to in-office work. She said she wanted to share her experience because many stated employees don't have the ability to share openly for fear of retaliation. She recalled that asking questions during a staff meeting felt like pushing the boundaries of acceptable behavior.

[11:45:45 AM](#)

REPRESENTATIVE ZULKOSKY sought to clarify that as a DLWD employee, Ms. Conlon had been informed that DOA would provide guidance for the return to work, which was ultimately not provided. She asked if that is correct.

MS. CONLON offered her understanding that the division was looking towards DOA for a reopening plan to use as guidance for returning to work at the DLWD office building.

[11:46:46 AM](#)

REPRESENTATIVE ZULKOSKY asked if AKOSH is responsible for providing health and safety regulations for state office buildings.

MS. CONLON said she does not know. She noted that upon receiving complaints regarding health in the job centers, the complaints were to be passed on to AKOSH.

[11:48:06 AM](#)

REPRESENTATIVE ZULKOSKY expressed her disappointment regarding the missed opportunity in terms of coordination for state employees.

REPRESENTATIVE FIELDS asserted that DLWD, which is supposed to be promulgating workplace safety standards, has zero understanding of virus transmission indoors, notwithstanding

multiple hearings and widely available information on the issue. He opined that the lack of consistency on telework is disturbing. Furthermore, he observed no engagement with the union on the mandatory subject of bargaining. He noted that legally, the administration must bargain on issues of workplace safety because when a department fails to do so, employees are placed in manifestly unsafe environments, which forces them into a choice between work or health. He said the lack of recognition of an at-risk employee is "mindboggling."

REPRESENTATIVE DRUMMOND expressed condolences to Ms. Conlon for feeling like she had to leave her job to speak freely to the legislature on this issue. She asked whether sanitizing products were provided or if employees had to bring their own from home to sanitize their workspace.

MS. CONLON said she can't answer that because she met with human resources on Friday, June 5 and emailed her resignation the following Sunday; therefore, she has no knowledge of the workplace procedures on Monday, June 8. She assumed that sanitizing products were provided.

[11:51:07 AM](#)

REPRESENTATIVE HANNAN opined that Ms. Conlon's testimony exemplifies the disconnect between what legislators are being told and the reality that constituents are facing.

[11:52:33 AM](#)

REPRESENTATIVE PRAX sought clarity on the grievance policy and whether Ms. Conlon had taken advantage of other channels before coming to the legislature.

REPRESENTATIVE FIELDS asked if Mr. Metcalfe could discuss the role of grievances and workplace safety issues.

[11:53:26 AM](#)

MR. METCALFE said there is a grievance process when a portion of contract is violated; additionally, the Alaska Labor Relations Agency ensures that labor laws are followed. He noted that ASEA tried to negotiate with the state before launching the grievance and arbitration process or unfair labor practice process; however, the state refused to bargain and continued to impose health and safety practices on ASEA without negotiating. He indicated that consequently, ASEA was pushed to file an unfair

labor practice charge against the state. He explained that ASEA has national experts that could help create workplace policies and safety practices that would be good for everyone if the state would only sit down and engage with them.

[11:56:28 AM](#)

REPRESENTATIVE PRAX asked what stage the negotiation process is in.

MR. METCALFE said it is reaching a dead end. He explained that ASEA was attempting to communicate with the administration since March on these issues. He noted that initially, the benefit of the doubt was given, but now that facilities have reopened, it indicates that the situation is no longer an emergency and raises serious safety concerns.

[11:58:10 AM](#)

REPRESENTATIVE THOMPSON opined that there is a lack of meaningful communication from state departments and the administration. He expressed concern that people's concerns are not being addressed or answered.

[11:59:17 AM](#)

REPRESENTATIVE FIELDS announced that there would be another hearing on COVID-19 workplace safety issues.

[11:59:29 AM](#)

ADJOURNMENT

There being no further business before the committees, the joint meeting of the House State Affairs Standing Committee and the House Health and Social Services Standing Committee meeting was adjourned at 11:59 a.m.