

UNITE HERE! Local 11

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February 6, 2023

Victor Copelan, District Manager
Cal/OSHA
320 West 4th Street, Room 820
Los Angeles, CA 90013
Via E-Mail: DOSHLA@dir.ca.gov

Re: Employee Safety Complaint - Obstructed Exits at Flying Food Group Facility at 901 W. Hillcrest Blvd. in Inglewood, California

Dear Mr. Copelan:

This Complaint is submitted on behalf of Gary Duplessis, Rafael Leon, Paul Andrade, and Maria Cortez, employees of Flying Food Group (the “Company”), an airline catering business, at its facility at 901 W. Hillcrest Blvd. in Inglewood, California. Complainants request that Cal/OSHA conduct an onsite inspection of the workplace on an expedited basis to investigate the allegations of this complaint, namely that the Company violated applicable laws by bolting shut multiple exit doors, posing a significant safety hazard to employees in the event of an emergency requiring personnel to quickly exit the facility.

Allegations of Cal/OSHA General Industry Safety Order Violations re Shuttered Exits

Cal/OSHA has issued General Industry Safety Orders establishing minimum occupational safety and health standards for all places of employment in California. One important requirement includes proper maintenance of access to exits. Exits must be “located and arranged that they are readily accessible at all times.” Title 8, California Code of Regulations, § 3225(a). Every “required exit shall be maintained free of all instructions or impediments to full instant use in the case of fire or other emergency.” *Id.* at § 3225(a)(1). Occupants must have “convenient access” to at least two exits by separate ways of travel. *Id.* at § 3225(a).

Flying Food Group currently employs 346 workers within its facility located at 901 W. Hillcrest Blvd. in Inglewood, California. These employees have been represented by UNITE HERE Local 11 since 2016.

The parties are currently negotiating a successor collective bargaining agreement. Together with Company employees, UNITE HERE Local 11 had planned and advertised a picket of the Company’s premises on Hillcrest Blvd. to be held on February 2, 2023

from 1:30-3:30 PM. Workers were instructed to assemble on the Hillcrest side of the Company's facility.

Union representatives have access rights to the Company's facilities pursuant to the parties' Collective Bargaining Agreement. During the evening of February 1, 2023—the day before the picket was scheduled—management instructed Jacqueline Perez, an organizer with Local 11, to enter through the dispatch area. The door in the dispatch area opens onto the Hillcrest side of the facility. Perez used the dispatch door on February 1st and did not notice any issues.

The next day (February 2, 2022), employees observed the Company had hired additional security guards. That day, the Company re-routed the employee shuttle to eliminate the usual stop at Hillcrest, where the picket would be located. Employees usually wait for the shuttle at Hillcrest but were told to wait on Olive Street instead.

Obstruction of Dispatch Door

The door in the facility's dispatch area is an exit that workers in the receiving area, storeroom, and hot kitchen (where workers prepare meals over open flames) were trained to use in the event of an emergency. The door would also be used by workers exiting the facility to attend Local 11's planned picket on Hillcrest Boulevard.

On or around 7:15 AM on February 2, 2022, Complainant Gary Duplessis—who works in the hot kitchen along with Complainants Rafael Leon and Paul Andrade—went on his break and observed an employee drilling on the dispatch door. When he returned from his break, he tried to open the dispatch door but the door appeared to be locked.

Around 10:00 AM that day, Perez entered the facility. Andrade approached her and told her that the dispatch door was locked. Around 10:30 AM, Perez called Destiny Ramirez, a representative from Human Resources, to ask why the dispatch door had been locked. Ramirez came downstairs to where Perez was located, walked up to the dispatch door, and appeared confused. Ramirez attempted to open the door unsuccessfully and called Juan Vargas, another Human Resources representative, for an explanation.

Mark Holguin, a driver employed by FFG, approached Perez and Ramirez while Ramirez was on the phone with Vargas. Holguin announced that a screw plate had been drilled into the wall and the door, which made it impossible for employees to open the exit from the inside. Perez walked outside and confirmed that a metal plate had been bolted to the outside of the door. Perez stated that she was going to call the fire marshall.

A photo of the dispatch door bolted shut is provided below (it is a screenshot from a video taken by Perez, which we would be happy to supply Cal/OSHA).



Around 10:53 AM, Salvador Sandoval, a maintenance employee, arrived and removed the screws from the door at the request of Ramirez. Perez asked him if he had been the one to install the metal plate. He nodded.

Perez called the fire department around 10:45 AM. The fire marshals arrived around 12:00 PM. The fire department commenced an inspection of all exits in the facility. An individual whom we understand is a safety manager, Mario Rodas, told the fire department, in the presence of Perez, that the dispatch door had been screwed shut because it was not working. However, Perez had used the door without issue the previous evening, and after the plate was removed, the door appeared to function properly.

Outdoor Gate Leading to Hillcrest Boulevard

Employees have identified other exits that they believe were obstructed. On or around 6:40 AM on February 2nd, Andrade attempted to exit for his break using an outdoor gate that led to Hillcrest Boulevard. He was unable to open the door and observed that it was bolted shut with a metal plate. A security guard told Andrade that the gate was out of order. Andrade had to wait for a security guard to open a different gate that is normally reserved for trucks. The closest exits from Andrade's work station are the aforementioned gate and the dispatch door.

Perez and others later inspected the Hillcrest gate. Holes with a pattern similar to the holes in the dispatch door were evident. A photograph taken by Perez is below:



Cafeteria Door

In the event of an emergency, Complainant Maria Cortez, a cafeteria attendant, has been trained to leave the facility through the exit located near the employee's cafeteria and the timeclock. Upon inspection on February 2nd, Andrade and Perez observed that the cafeteria exit had drill holes which Cortez had not previously noticed.

Investigation Procedures

As noted above, Complainants request that a thorough site inspection of the facility be conducted. Given the serious nature of the issues discussed here, we ask that this inspection be conducted on an expedited basis. Additionally, we are aware that some of the matters raised here may not be effectively investigated by simply requesting copies of paperwork from the Respondent. Accordingly, Complainants are willing to provide Cal/OSHA with additional information to assist with its investigation, including supplying video recordings and photographs, and arranging for Cal/OSHA to meet privately with the Complainants and additional employees.

As the designated employee representative for the Complainants, we request to be notified of and included in the Opening and Closing Conferences, as well as any post-citation Informal Conference, with Cal/OSHA and affected employees if the employer insists on separate conferences.

As the designated employee representative, we also request "walkaround" rights to accompany an inspector on the tour of inspection pursuant to Labor Code § 6314(d).

Please contact me in regards to the substance of this complaint, including interviews with the complaining employees, and any resulting citation. I can be reached at apeterson@unitehere11.org or (630) 902-0804. Thank you for your attention to this important matter.

Sincerely,

/s/

Alyssa Peterson
Staff Attorney, UNITE HERE Local 11