

# UNITEHERE! Local 11

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March 26, 2026

Brian Hudson  
Director  
Arizona Division of Occupational Safety and Health  
800 W. Washington Street, 2nd floor  
Phoenix, AZ 85007

Re: Employee Heat Safety Complaint - Non-Functioning Air Conditioning at ASU and Related Worker Illnesses

Dear Mr. Hudson,

This Complaint is submitted on behalf of Vanessa Martinez, Daniel Coss, Gabriela Rodriguez Carmona, Rose Ward, and other employees of Aramark Educational Services, LLC (the “Company”) at Arizona State University (ASU). Complainants work together as cooks at the Company’s Panda Express restaurant operation at ASU’s Phoenix Downtown campus (120 E Taylor Street Phoenix, AZ, 85004).

Complainants request that the Arizona Department of Occupational Safety and Health (ADOSH) conduct an expedited on-site inspection of the workplace to investigate the allegations of this complaint. Complainants contend that both the Company and ASU violated ADOSH’s General Duty Clause by failing to provide working air conditioning and/or other adequate cooling devices within the facility during extreme temperatures, leading employees to allegedly experience serious and potentially life-threatening heat-related illness.

## **Allegations of Unsafe Heat Conditions:**

Under the state’s so-called “General Duty Clause,” employers are obligated to “furnish...employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to [an employer’s] employees.” A.R.S. § 23-403(A). ADOSH investigators have issued citations under the General Duty Clause in response to multiple heat-related complaints by workers in recent years. *See, e.g., Dine Plus, LLC dba Denny’s #9506*, Inspection No. CP-2024-ZP447-0023 (July 31, 2024); *Rural/Metro Corporation*, Inspection No. 1830757.015 (August 26, 2024). Under Arizona’s newly announced State Emphasis Program (SEP) on heat safety, moreover, complaints involving allegations of potential worker exposure to heat, or involving claims of potential worker heat-related illness, are to be given priority for on-site investigation. *See State Emphasis*

*Program - Outdoor and Indoor Heat-Related Hazards*, CLP 03-00-024, Sec. VI(C)(1)(b) (July 17, 2023).

As described below, Complainants allege that Aramark Educational Services and ASU have violated the General Duty Clause by failing to provide functioning air conditioning or undertake other reasonable steps to abate the hazard of extreme heat effectively. Multiple employee Complainants allege that they have experienced signs of heat-related injury and illness while working under high temperatures at the facility, including at least one recent case of hospitalization for dehydration. Approximately 11 Aramark employees work in the affected Panda Express concept and could be exposed to the alleged health hazard.

*Background:*

Aramark, a Philadelphia-based food service company, operates numerous restaurants and other food concepts under contract with Arizona State University. Complainants and affected employees featured in this Complaint are employed by Aramark as cooks, cashiers, and other food service workers at the Company's Panda Express concept in the University's Downtown campus.

Complainants allege that the air conditioning system for the building housing the Panda Express concept has been either out of service, malfunctioning, or has been otherwise ineffective since as early as mid-March 2025. According to cook Vanessa Martinez, employees at Panda Express have complained to their local supervisor, Bryce Fritner, about the heat and lack of adequate A/C.

On May 30, 2025, Vanessa and Rose recall joining with three of her co-workers—fellow cook Rose Ward and erstwhile cooks Kaela Vanderwallie and Juan Rodriguez—on a phone call with Company General Manager Karl Wolak to discuss various health and safety issues within the facility, including the heat and lack of proper A/C. Vanessa and Rose allege that during the meeting she and Rose both discussed how temperatures inside the kitchen appeared to be exacerbating their existing health conditions. According to Vanessa, Juan also noted that the heat was beginning to affect his work, as he had to constantly wipe his brow in order to avoid sweat dripping down his eyes and clouding his vision.

According to Vanessa, management on May 30 agreed to give workers fans at their work stations and would try to repair the existing A/C system, but that because the building was owned and managed by ASU, Aramark could not replace the existing A/C unit if it turned out that a replacement was needed. While Rose does not remember specific occasions, she does recall having at least two conversations over the past year wherein supervisor Fritner said that fixing the A/C was dependent on ASU.

During the first week of June 2025, Vanessa alleges the Company installed four fans in the workplace—one in the kitchen near the dishwashing pit, one near the grill for the cooks, one near the cash register, and one near the office. However, according to Vanessa, these fans had little impact on reducing the overall temperature, as Vanessa claims that the fans merely pushed around hot air rather than cooling it. Around this same time, ASU maintenance visited the concept and installed a coiled tubing system to channel hot air upwards and into the ceiling from the kitchen, but according to Vanessa, Gabriela and Rose, this step appeared to have very little impact on reducing the perceived kitchen temperature. Over the summer, moreover, Vanessa recalls seeing Company General Manager Jennifer Hauf and supervisor Ted (LNU) conduct temperature readings in the kitchen several times, but this practice ceased in late July when both Hauf and Ted (LNU) went on vacation and never resumed.

On at least two occasions during the summer, Vanessa claims that she saw maintenance staff from ASU visit the concept and use a ladder to change air vent filters and attempt to inspect or fix the facility's A/C unit on the roof. However, Vanessa alleges that despite these attempts, the A/C system never appeared capable of lowering temperatures substantially within the concept, and that temperatures remained significantly higher than in connected ASU facilities and Aramark stores, such as the nearby Starbucks, Chick-Fil-A, C-Store, The Drop, and the Garfield Commons Dining Hall.

According to at least three of the complainants, Vanessa, Gabriela and Rose, throughout their time at the Company has allegedly never conducted a heat safety training for workers on recognizing or preventing symptoms of heat illness at work. Complainants further allege that they have no knowledge that the Company maintains any heat illness and injury program or other written protocols for heat safety that are made available to employees.

#### *Allegations of Dizziness and Other Symptoms of Heat Illness.*

During the summer, between May and July of 2025, Vanessa alleged that she began to feel dizzy from the heat in the Panda Express kitchen around two or three times during the concept's rush hour period, typically around 1:00PM to 2:00PM. On those occasions, Vanessa alleges that she told her erstwhile supervisors Fritner and Monica Abecedo about her symptoms, and that they instructed to sit down and rest near the installed fans.

Vanessa is not the only employee who claims to have been made dizzy or faint by the heat in the kitchen area of the concept. Her coworker Gabriela Rodriguez Carmona, who began working as a cook in the concept around January 16, 2026, alleges that she began experiencing dizziness in the cooking area after prolonged periods near the grill about once or twice per week. Similarly, fellow cook Daniel Coss claims that he has begun to feel dizzy from the heat of the

cooking area on several occasions, including most recently during his shifts on Thursday, March 19 and Friday, March 20, 2026.

Lead employee Rose Ward additionally alleges that she began experiencing symptoms of heat stress and illness over the past week. Specifically, on Thursday, March 19, Rose alleges that she began having headaches soon after beginning work in the kitchen, which she observed was especially hot that day. Rose has thereafter experienced headaches off and on while at work over the past several days. At around her 5:00PM breaktime on Sunday, March 22, Rose began feeling nauseated and experienced cramps in her hands and legs, even though she allegedly drank several bottles of water over the course of the shift. The following day, March 23, Rose continued to feel unwell and texted Fritner at around 11:00AM to call off her shift due to illness. She thereafter returned to work on Tuesday, March 24, but her headache and nausea returned shortly after entering the kitchen at around 1:45PM, a development which Rose believes stemmed from the heat. Also during her Tuesday shift, Rose alleges that another worker, Carmen Zamora, approached Rose and commented to her that she, too, was beginning to feel sick and nauseated from the heat.

#### *Removal of Fans and Rising Temperatures:*

Sometime between December 2025 and March 16, 2026, multiple Complainants allege that several fans installed near the cooking area, dishpit, cash registers, and the office were removed. When asked as to why by Vanessa, Rose allegedly said that management had claimed that the fans were no longer working and were for that reason uninstalled.

Within the past week and a half, moreover, outdoor ambient temperatures in Phoenix have risen considerably, peaking on Thursday, March 19 at a high of 105 degrees Fahrenheit.<sup>1</sup>

Workers allege that temperatures have similarly risen within the Panda Express kitchen during this time. As shown in the photograph below, on Sunday, March 22, 2026, Vanessa recorded a video of herself using an air thermometer to measure temperatures within the kitchen area, which registered between 96.4 and 113.3 degrees Fahrenheit.

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<sup>1</sup> <https://apnews.com/article/heat-wave-weather-desert-southwest-8de9241eb9e45043cf061babe2fdf927>



*Photograph by Vanessa Martinez of temperature gun reading in the Panda Express kitchen on March 22, 2026*

Vanessa also conducted temperature readings on Tuesday, March 24, at around 6:00PM and recorded similarly high temperatures within the kitchen walkway of between 89.1 and 95 degrees Fahrenheit. A photograph of one such reading has been included below.



*Photograph by Vanessa Martinez of temperature gun reading in the Panda Express kitchen on March 24, 2026.*

*Vanessa's Hives and Hospital Visit:*

Vanessa returned to working at Panda Express after a nearly three-month medical leave on March 16, 2026. She immediately assumed her full five-hour schedule, working from 4:00PM to 9:00PM five days a week, without any acclimatization protocols.

Beginning around 5:00PM or 6:00PM on Tuesday, March 17, 2026, Vanessa alleges that she began to break into hives on her face, back, chest, and stomach. While Vanessa did not mention that she had broken into hives to her coworkers, at least one coworker, dishwasher Shannon Charly, allegedly commented on them by asking Vanessa why was breaking out so much. As shown in the photographs of her face below—taken on March 23—these hives have persisted for the past week since Vanessa's return to work.



*Photographs taken on March 23, 2026 by Vanessa Martinez of her forehead and cheeks, displaying hives.*

On Thursday morning, Vanessa began to experience signs of fatigue and other potential symptoms of what appeared to be heat-related illness. Prior to reporting to work, Vanessa alleges that she vomited around three times, experienced stomach pain, and began feeling dizzy. At around the same time, Vanessa took a reading of her blood pressure, which registered at around 96/77 mm Hg. She then reported to work at 4:00PM and worked for five hours, resting



*Photograph by Vanessa Martinez on March 23, 2026 of her doctor's note from St. Joseph's Hospital & Medical Center, dated March 21, 2026*

### **ASU May Be Jointly Liable for the Alleged Heat-Related Violations.**

State law grants the Arizona Division of Occupational Safety and Health (ADOSH) jurisdiction to investigate and take action against employers who violate state and federal occupational safety and health laws. Under the authorizing statute, employers are defined as any individual or organization employing employees, “including this state and all political subdivisions of this state.” A.R.S. § 23-401(7).

State law thus grants ADOSH the authority to conduct enforcement not only against private employers such as Aramark, but also *public* employers, including state institutions such as ASU and the Arizona Board of Regents.

Although normally employers are responsible solely for abating workplace hazards for their own employees, an exception exists at multi-employer worksites. Under the so-called “multi-employer worksite” doctrine, if an employer is in control of or responsible for a worksite with a hazardous condition, the employer may be cited for violations even if the exposed employees are not its own. *Brennan v. OSHCR and Underhill Constr. Corp.*, 513 F.2d 1032 (2d Cir. 1975); *Anning-Johnson Co.*, 4 OSHC 1193 (Rev. Comm'n 1976); *Grossman Steel & Aluminum Corp.*, 4 OSHC 1185 (Rev. Comm'n 1975). In such cases, the employer controlling the worksite must make reasonable efforts to detect and abate hazards within its control to avoid liability. *See Anning-Johnson Co.*, 4 OSHC 1193. The multi-employer worksite doctrine has been repeatedly adopted and affirmed by Arizona courts. *See, e.g., Arizona Pub. Serv. Co. v. Indus. Comm'n of Arizona*, 178 Ariz. 341, 345 (Ct. App. 1994); *Progressive Servs., Inc. v. Indus. Comm'n of Arizona*, No. 1 CA-IC 10-0071, 2011 WL 5964535, at \*3 (Ariz. Ct. App. Nov. 29, 2011).

Here, Company management has allegedly represented that ASU, not Aramark, exercises ultimate control over the A/C systems in which the Panda employees work. For this reason, Company managers claimed, only ASU can move to replace the non-functioning A/C unit within the building. Action by ASU may well have been necessary in order to abate the hazardous high temperatures workers were experiencing. Given the repeated inspections of the facility and its A/C unit by an ASU-employed mechanic, the University appears to have potentially been on notice of the air conditioning issue and resulting temperature problems. However, ASU staff appears not to have moved to replace the unit or otherwise abate the heat hazard the lack of adequate A/C created. Consequently, as a public employer in control of the facility, ASU's potential liability for the alleged violations warrants investigation for liability.

### **Investigation Procedures**

Complainants request that a thorough inspection of the facility be conducted by ADOSH personnel. Given the ongoing, serious risk to heat posed by current outdoor temperatures in Phoenix, we ask that this inspection be conducted on an expedited basis. Since some of the matters raised here may not be effectively investigated by simply requesting copies of paperwork from the Respondent, Complainants are willing to provide ADOSH with additional information to assist with its investigation, including photographs and arranging for ADOSH 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 ADOSH and affected employees if the Company insists on separate conferences. As the designated employee representative, we also request the right to accompany an inspector on the tour of inspection.

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 [mulin@unitehere11.org](mailto:mulin@unitehere11.org) or (310) 963-2781.

Thank you for your attention to this important matter.

Sincerely,

/s/

Maxwell Ulin  
Staff Attorney