


EXHIBIT A




MEMORANDUM

Date: December 4, 2020

To: California Department of Corrections and Rehabilitation - Headquarters, Regional, and Field Office Staff
California Correctional Health Care Services - Headquarters, Regional, and Field Office Staff
Division of Juvenile Justice - Headquarters, Regional, and Field Office Staff

From: 
KATHLEEN ALLISON
Secretary
California Department of Corrections and Rehabilitation


J. CLARK KELSO
Receiver

Subject: STAFF WEARING FACIAL COVERINGS AND PHYSICAL DISTANCING REQUIREMENTS AT HEADQUARTERS, REGIONAL, AND FIELD OFFICE LOCATIONS

This memorandum updates and clarifies expectations and requirements outlined in the, June 26, 2020 and October 27, 2020, memoranda regarding the wearing of facial coverings and the practice of physical distancing at all California Department of Corrections and Rehabilitation (CDCR), California Correctional Health Care Services (CCHCS), and Division of Juvenile Justice (DJJ) offices including headquarters, regional, and field office locations.

All staff working or performing duties at any CDCR, CCHCS, or DJJ headquarters, regional, and field office location shall practice physical distancing (i.e., remaining six feet apart) and properly wear facial coverings at all times. Properly worn facial coverings shall cover the nose, mouth, and chin and do not have significant gaps around the nose or other parts of the face. Facial coverings should be three layers and easy to breathe through, and the ear loops or ties should be tight enough to keep the facial covering from sliding down the nose. Sleeve-style facial coverings (gator masks), bandanas, and facial coverings with exhalation valves or vents shall not be worn.

If CDCR, CCHCS, or DJJ programs located at headquarters, regional and field office locations need additional Prison Industry Authority (PIA) cloth masks for staff, a Purchase Requisition may be

MEMORANDUM

Page 2 of 3

submitted to BMBPreq@CDCR.ca.gov for CDCR and DJJ and to m_HCSAcquisitionRegu@cdcr.ca.gov for CCHCS. PIA cloth mask information and pricing can be found in the PIA product catalog at <http://calpia.ca.gov>.

Pursuant to California Department of Public Health's (CDPH) November 16, 2020 [Guidance for the Use of Face Coverings](#), the exceptions to this requirement are as follows:

- When a staff member is alone in a hard-walled office or room with a closed door.
- When a staff member is actively eating or drinking, provided that they are able to maintain a distance of at least six feet away from persons who are not members of the same household or residence.
- When a staff member is outdoors and maintaining at least 6 feet of physical distancing from others not in their household. When outdoors at the worksite, staff shall have a face covering with them at all times and shall wear it if they are within 6 feet of others who are not in their household.

Additionally, pursuant to CDPH November 16, 2020 [Guidance for the Use of Face Coverings](#), a face covering must be worn in a car unless alone or solely with members of their own household. Therefore, employees traveling together or utilizing vanpools or carpools must wear masks during the entire duration of the trip unless all riders are from the same household.

REASONABLE ACCOMMODATIONS AND RELIGIOUS ACCOMMODATIONS

Staff unable to wear an approved face covering due to a medical, mental health, or developmental disability shall notify their supervisor and Return-to-Work Coordinator to engage in the interactive process. Staff requesting a religious accommodation shall contact their local Equal Employment Opportunity Coordinator. Staff who have submitted a request for reasonable or religious accommodation due to the inability to comply with CDCR/CCHCS face covering or Personal Protective Equipment guidelines may request permission to remain off work using leave credits or an unpaid leave of absence pending a determination on their request. The Department shall engage in the interactive process with staff to ensure that a timely reasonable or religious accommodation determination is made.

REQUIREMENTS FOR NON-COMPLIANCE

All departmental supervisors and managers are responsible for ensuring subordinate staff consistently wear approved facial coverings correctly and practice physical distancing. When managers or supervisors observe a subordinate employee failing to adhere to facial covering or physical distancing directives, corrective action shall be taken in accordance with Department Operations Manual, Article 22, Employee Discipline, section 33030.8, Causes for Corrective Action. Additionally, supervisors and managers shall document each instance of non-compliance

MEMORANDUM

Page 3 of 3

with any directives contained within this memorandum on facial coverings and physical distancing to track repeat offenses and take corrective and adverse actions, as appropriate.

For each instance of staff non-compliance, supervisors and manager shall immediately notify the respective Employee Discipline Unit, Employee Advocacy and Prosecution Team, Office of Legal Affairs, CDCR, or Performance Management Unit (PMU), CCHCS. The attached Non-Compliance Tracking Log shall be completed with information provided by each supervisor or manager and maintained by the respective Employee Discipline Unit, Employee Advocacy and Prosecution Team, Office of Legal Affairs, CDCR, or PMU, CCHCS. The Non-Compliance Tracking Log shall be retained until further notice and will be requested for, unannounced as well as regularly scheduled, audits or reviews.

Supervisors and managers who fail to enforce these directives shall be subject to progressive discipline including:

- Verbal Counseling
- Employee Counseling Record (CDC Form 1123)
- Letter of Instruction
- Adverse Action or Rejection During Probation, dependent on the employee's tenure.

As a reminder, the Employee Discipline Unit or your area's assigned Health Care Employee Relations Officer in PMU are available to provide assistance throughout the progressive discipline process.

Attachment

Non-Compliance Tracking for Staff Failure to Maintain Physical Distancing, Wear, or Properly Wear Face Covering
 (Insert Name of Headquarters, Regional, or Field Office Location)

Unit	Employee's Name (Last, First Name)	Classification	Face Covering or Physical Distancing Non-Compliance	Date of Failure	Repeat Offense (Yes/No)	Type of Corrective Action Taken (Verbal Counseling; ECR, LOI)	Corrective Action Issuance Date	ECR/LOI Date of 30-Day Follow-up Discussion with Employee	Date 989 Request Submitted to Hiring Authority (if applicable)	Comments