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August 10, 2010

To: Honorable D. Scott Daniels  
Presiding Judge

From: Supervisor John M. Vasquez  
Chair, Board of Supervisors

Re: May 28, 2010 Grand Jury Report - Health Issues at 1745 Enterprise Drive, Building #2,  
Fairfield, California

Judge Daniels:

The following, under Penal Code sections 933 and 933.05, is the Solano County Board of Supervisors' response to the findings and recommendations contained in the 2009-2010 Grand Jury Report of May 28, 2010 relating to health issues at 1745 Enterprise Drive, Building #2 in Fairfield, California.

### **Finding 1**

Seven plus years of conflict have been costly to the County and its employees. As a result of these issues, many employees lost work time due to illnesses, which may or may not have been directly attributable to the work environment. Employees felt Management was insensitive to their complaints and did not act in a timely manner.

### **Response to Finding 1**

**Human Resources** - Human Resources Department agrees with the portion of the statement that, "Seven plus years of conflict have been costly to the County and its employees", in terms of the resources expended by the County in conducting various air quality tests over the seven year period, and making improvements to the property such as relocating thermostatic controls for the Heating, Ventilation and Air Conditioning systems (HVAC), and inspecting and repairing duct work and duct connections.

Human Resources Department, however, partially disagrees with the statement that, “As a result of these issues, many employees lost work time due to illnesses, which may or may not have been directly attributable to the work environment”. In conducting the workers’ compensation claims review, all air testing reports were provided to all treating physicians in compliance with the rules and regulations of the Workers’ Compensation system. As a result of the physicians’ review of the air quality testing reports, all claims filed by the employees have been denied by the County, and none of the claims has been scheduled for a hearing at the Workers’ Compensation Appeals Board (WCAB).

Human Resources Department disagrees with the finding that, “Employees felt management was insensitive to their complaints and did not act in a timely manner.”

Over the course of the past seven years, whenever an employee complained of air quality issues at 1745 Enterprise Drive #2, Fairfield, California, the County responded by retaining consultants to conduct air quality testing at the facility. In all instances, the reports indicated the air indoors was cleaner than that outdoors. Additionally, when any issue arose during the County’s response to an employee complaint that required corrective action, it was immediately referred to the property owner for corrective action.

The County responded to employee concerns in a timely manner by obtaining approximately 17 industrial hygiene reports obtain over the seven year period. Further, the County implemented several changes to the building including relocating thermostatic control devices; repairing air ducts and duct connections. In addition, the County placed the property owner on notice of conditions on the property and required the property owner to conduct repairs, including replacement of all second floor window casings and frames, new carpeting in the common walkways, and conducting various industrial hygiene inspections.

**Resource Management** - Work place health and safety programs and investigations are not under the control of the Department of Resource Management. The Department of Resource Management did support the Department of General Services and the Human Resources Department by responding to requests for information on any environmental health issues relevant to their investigations of employee concerns at 1745 Enterprise Drive, Building #2, Fairfield, California. The Department of Resource Management will continue to provide assistance to these departments as requested by providing information on relevant environmental health issues to address workplace complaints as they arise with the county's owned and leased facilities.

**Board of Supervisors** – The Board of Supervisors concurs with the responses of the Human Resources and Resource Management departments to the Grand Jury’s finding.

### **Recommendation 1**

In the future, Risk Management should complete a risk analysis of employees’ complaints to better understand the problems causing those complaints and take appropriate action based on their analysis.

**Response to Recommendation 1**

**Human Resources** - This recommendation has been implemented.

Summary of Implementation:

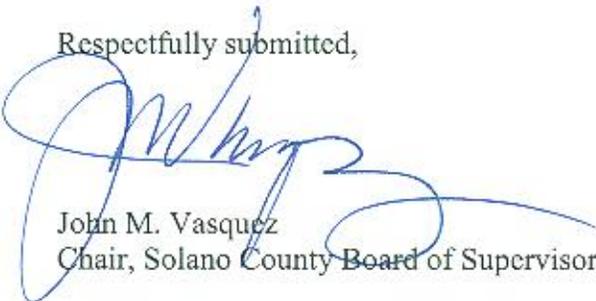
County employees may report safety concerns to their immediate supervisor or to Risk Management directly, and may make anonymous reports as well, pursuant to the County's Injury and Illness Prevention Plan (IIPP) and Compliance Reporting program. The current process to respond to employee concerns includes the immediate supervisor submitting a work order request for the Facilities Operations Division to inspect the facility and its related equipment. If the issue is building related, Facilities will schedule repairs to County owned buildings (for leased facilities, the immediate supervisor will notify the County's Real Estate Manager, who will then place the property owner on notice of the complaint, and manage the remediation plan).

Based upon the issues involved, Facilities, Risk Management and/or Real Estate will interview employees and conduct joint inspections to ascertain the cause of the nature of the complaint. If the situation warrants, an Industrial Hygienist may be contracted to conduct indoor air quality testing. Throughout this process, the employee(s) and immediate supervisor are kept informed as to next steps. Facilities Operations, Real Estate, Risk Management, and the operating department will consult with County Counsel as needed and keep Department Heads informed.

**Resource Management** - This matter is not under the control of the Department of Resource Management.

**Board of Supervisors** – The Board of Supervisors concurs with the responses of the Human Resources and Resource Management departments to the Grand Jury's finding.

Respectfully submitted,



John M. Vasquez  
Chair, Solano County Board of Supervisors