



IOWA FEDERATION OF LABOR, AFL-CIO

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January 21, 2021

Senate Majority Leader Jack Whitver
Senate President Jake Chapman
House Majority Leader Matt Windschitl
Speaker of the House Pat Grassley

Iowa Senate and House Leadership:

With great respect for your positions in the Iowa Legislature, we write to you today to raise significant concerns regarding the safety precautions or lack thereof at the Iowa State Capitol with respect to the COVID-19 Pandemic. As the seat of our state government, the Iowa State Capitol building is an important, busy, and large workplace, which should set the example of how Iowans should conduct business, including the important business of government, in a safe and responsible manner during this pandemic. Nonetheless, over the course of the last few weeks, you have refused to adopt safety precautions, when urged to do so by your colleagues and others, to keep our elected officials, legislative staff, building staff, and visitors to the Iowa State Capitol safe. It is our position that the problems from your refusal to act are three-fold, and we discuss our concerns below.

First, we believe it is your duty under the "The General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health (OSH) Act of 1970, 29 USC 654(a)(1)," which is incorporated into Iowa law, to furnish to each worker in the Iowa State Capitol building "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." The first step in meeting this requirement is to implement a mask mandate for all visitors, workers, and anyone else entering the building to protect people working there, be it legislators, lobbyists, capitol staff, non-partisan as well as partisan staff, not to mention the state workers who are bargaining unit members represented by AFSCME. From our perspective, the Iowa Senate and Iowa House have clothing requirements that must be adhered to, and there is no reason that a suit, tie, or other clothing is required but not something as simple as a mask.

Second, as a workplace, the Iowa State Capitol's requirement for "self-reporting" cases of COVID-19 is not sufficient in the absence of a robust contact tracing program. OSHA's recordkeeping requirements mandate covered employers record certain work-related injuries and illnesses on their OSHA 300 logs. In the absence of a mandate that COVID-19 cases be self-reported coupled with the implementation of a robust contact tracing program, there is no method by which the Legislature is able to track and record illnesses on an OSHA 300 log.

phone 515/262-9571 • toll-free in Iowa 1-800-372-4817 • fax 515/262-9573 • e-mail ifl@iowaafclcio.org



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Such reporting and tracing are essential to helping prevent a COVID-19 outbreak inside the hallowed halls of our capitol building. We also note the CDC's "Guidance and for Businesses and Employers responding to COVID-19," which states that "Employers have an obligation to manage the potentially exposed workers' return to work in ways that best protect the health of those workers, their co-workers, and the general public." To comply with the CDC's guidance, the Iowa State Capitol must have not only a self-reporting requirement, but also a robust contact tracing program.

Finally, while the Iowa Senate allows electronic input from the general public, the Iowa House does not. The dichotomy between the two Houses of the Legislature with regard to electronic participation is problematic. First, in the absence of a mask mandate and without the ability to appear electronically in the Iowa House, staff is required to be in contact with individuals, who may not be socially distanced, and are not required to wear a mask. The result of this is that there is an increase in the potential exposure of COVID-19 to staff, not to mention AFCSME bargaining unit employees whose job duties include cleaning the areas where meetings are held. And, as everyone should be aware, there have been members of other state legislatures who have contracted COVID-19 in their state capitol buildings, and unfortunately, have passed away. In our view, safety should be a priority for both chambers of the Iowa Legislature.

Second, the failure of the Iowa House to permit electronic participation in a manner similar to the Iowa Senate strips the voice from immune compromised Iowans and similarly situated Iowans who are reluctant to expose themselves to the risk of contracting COVID-19 by the requirement to appear in person for subcommittee debate in the Iowa House. Indeed, the subcommittee is the only place where members of the general public can voice their concerns or support for legislation in a public forum for all to hear.

We recognize that public input is essential to the legislative process. We are not suggesting or requesting that subcommittees be cancelled or put on hold, but rather, we are requesting the House leadership to follow the example of Senate leadership by making the people's business at the statehouse more accessible and as safe as it can be for all Iowans.

We hope that you reconsider your refusal to make these changes. This is not a partisan attack – COVID-19 can impact any of our citizens regardless of political, social, or economic standing. Rather, we have sincere concerns regarding the safety of our fellow citizens who work and visit the Iowa State Capitol. Indeed, last week we received the first report of Capitol staff being infected with COVID-19. It is our hope that you will take the steps suggested in this letter to help ensure that more people do not become infected from this terrible disease through their



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participation in the legislative process and help to avoid a potential outbreak as this terrible disease continues to wreak havoc on our state and nation.

However, please be aware that in the absence of these steps to protect the health of those working and visiting the Iowa State Capitol, as representatives of workers and visitors within those hallowed halls, our only recourse is to file a complaint with Iowa OSHA in the hopes that they will remedy these problems.

Sincerely,

Charles Wishman, President
Iowa Federation of Labor, AFL-CIO

Scott Punteney, President
Western Iowa Federation of Labor, AFL-CIO

Rick Moyle, Executive Director
Hawkeye Area Labor Council, AFL-CIO

Mark Cooper, President
South Central Iowa Federation of Labor

Brad Greve, President
Great River Area Federation of Labor, AFL-CIO

Danny Homan, President
AFSCME Council 61

Jesse Case, Secretary-Treasurer,
Teamsters Local 238