Date: July 16, 2008

To: CSU Presidents
From: Bill Candella
Senior Director
Collective Bargaining

Subject: Elevator Maintenance - Safety Issues

Pursuant to Article 28 of the Collective Bargaining Agreement with SETC-United representing the skilled crafts in Unit 6, a joint labor management committee was constituted to identify:

- Safety problems/issues affecting multiple campuses;
- Safety training needs;
- Work injuries and their causes that are common to multiple campuses;
- Resources to reduce work-related injuries, illnesses, hazards; and/or
- Available training, equipment, etc.

One such critical issue involves regulatory compliance, job classification requirements, and recommended practices associated with the elevator service, repair and emergency operations. Specifically, at the request of the Joint Health and Safety Committee, in June 2007 EH&S Director representatives attended the Plant Directors meeting and advised the following:

*Emergency elevator access should be performed by “certified” individuals unless a first responder deems it an emergency and they oversee the operation. Each campus is encouraged to develop an Elevator Service and Emergency Response plan.*

To raise campus awareness, I have been asked to forward from the Joint Committee, the following summary of the applicable regulation, Cal/OSHA interpretation, recommended campus steps/guidance, and definitions provided to assist campuses with their elevator safety efforts:

Distribution:
Executive Vice Chancellor and CFO
Vice Presidents, Administration
Human Resource Directors
Plant Operations Directors
EH&S Directors
CSU/SETC Joint Health and Safety Committee
I. Summary of Regulation

Based upon review of the Labor Code, Sections 7311.1 and 7311.2 (attached), only Certified Competent Elevator Mechanics (CCEM) employed by Certified Competent Conveyance Companies (CCCC) may alter, test, maintain, service, or repair elevators. Per an email advisement from Al Swanson, Cal/OSHA representative, "The 7300 section of the labor code is mainly to address non qualified people attempting to work on elevators. Things like changing a light bulb, cleaning glass or mopping the floor is not considered working on the elevator." According to engineering representatives, Michael Boyle and Al Tafazoli, of the Department of Industrial Relations, "the code is silent on emergency operations" and they are recommending that only recognized first responders or CCEM take action with elevators. The campuses should decide the best procedure for their operations in compliance with the labor code, Cal/OSHA regulations (CCR Title 8 3000-3139) and the interpretation provided below.

II. Department of Industrial Relations Interpretation

To get further clarification the Committee contacted Michael Boyle of the California Department of Industrial Relations. In response, he sent an email interpretation to Greg Starr of CSU Stanislaus, a member of the Joint Health and Safety Committee on March 8, 2007. Mr. Boyle stated the following in his email to Mr. Starr:

"I [Michael Boyle] forwarded your attachment to Mr. Tafazoli (Principal Engineer –ERT Unit) and we spoke about it. “He [Mr. Tafazoli] stated the following:

(1) The statute regarding the rescue of passengers trapped in an elevator is silent.

(2) This issue is not addressed in the California Labor Code.

(3) As a regulatory agency we encourage that people who attempt to rescue passengers be CCCM's, or first responders who know how to do so. However, if someone else knows how to get passengers out safely, we are not going to stop them or tell them they can't. Certain emergency situations require immediate action to be taken. I apologize for the confusion, but I do believe that your rescue procedures [CSU Stanislaus] would ensure the safety of the public."

III. Campus Guidance

a. Maintain compliance with all applicable regulations and standards for the operation of campus elevators.

b. Prepare a campus procedure for elevator access during an emergency. The procedure should include contacting the Local (Fire Department, University Police or City/County Authority) emergency services.

c. If applicable, include your contracted or employed Certified Competent Elevator Mechanics (CCEM) in your procedure.

d. Train appropriate personnel on the campus procedure.
e. Train authorized personnel on the procedure and the methods of assisting the First Responders.

IV. Definitions

As defined by the Division of Industrial Safety (Title 8, Chapter 4, Article 6, Section 3009):

a. **Authorized Personnel** - Persons who have been instructed in the operation and/or maintenance of the equipment and designated by the owner to use or maintain the equipment.

b. **Elevator** - A hoisting and lowering mechanism which moves a car or platform in fixed guides in a substantially vertical direction and which is designed to carry passengers or freight, or both, between two or more fixed landings.

c. **Maintenance** - A process of routine examination, lubrication, cleaning, adjustment, and replacement of parts for the purpose of ensuring performance in accordance with the applicable Code requirements.

d. **Repairs** - The word “repairs” where used herein shall mean only such work as is necessary to maintain present equipment in a safe and serviceable condition and to adjust or replace defective, broken, or worn parts with parts made of equivalent material, strength, and design, and where the replacing part performs the same function as the replaced part.

As defined by Michael Boyle, California Department of Industrial Relations:

a. **First Responder** - “…recognized first responders such as Firemen and Police Officers…

If you have any questions regarding specific situations on your campus, please call your campus EH&S Department.