

May 28, 2020

Alameda County Public Health Department
1000 Broadway, Suite 500
Oakland, CA 94607

By email to: COVID19compliance@acgov.org

Emergency Public Health Complaint
re: **McDonald's, 4514 Telegraph Avenue, Oakland, California**

We are writing to ask that you take immediate action to protect McDonald's workers, customers and our families in Oakland. At the McDonald's location where we are employed, at least five workers have tested positive for Covid-19 and several others are currently waiting for test results. At least three additional workers are showing symptoms. Workers' family members have also become sick with Covid-19 or are showing symptoms. Almost all of the workers at this location have been exposed and we fear that there has been cross-contamination between our store and other McDonald's locations in the city.

This outbreak has occurred, we believe, as a result of a concerted decision by McDonald's and the management at this location to ignore substantial evidence of infection among employees, in violation of public health orders. Both managers and workers at this location have been working sick since at least Thursday, May 14, with clear Covid-19 symptoms. Managers have known of workers who've tested positive since at least Friday, May 22. Throughout that time, managers have been telling even those employees with symptoms to come to work with no extra precautions. Managers and workers have been at work with fevers, coughing, sneezing and flu-like aches and pains. Some tried to stay home but were told they could not.

If there is no one to cover your shift at our restaurant, you are expected to come to work sick. But by having employees work sick, even after knowing about the positive tests, McDonald's has knowingly exposed countless individuals to the virus, including other workers, their families, customers, delivery drivers and anyone else these people have had contact with. People could die because McDonald's has us work sick, just to sell burgers.

Direct evidence of an outbreak has been mounting for a week. On the morning of Wednesday, May 20, a worker informed management that she had been in contact with someone who had tested positive for Covid-19 and needed to quarantine. It appears that this other individual, a babysitter, also caught the virus from this McDonald's because no one else in her family or her workplace had been sick. This same day, another worker called in reporting serious Covid-19 symptoms and asked to stay home from her late night shift. She was told to come to work anyway and worked closely with four other people that night, feeling the whole time as if she had the flu. By the next morning, she let our manager know that she was severely ill.

On Friday, May 22, managers learned that the woman whose babysitter had tested positive for Covid-19 had received a positive diagnosis as well. It was not until Sunday, May 24, however, that a manager informed most of us through text messages – though not every worker received the texts – first that two, and then that two additional workers had tested positive. Management did not indicate who was exposed, who should quarantine, or what their plan would be moving forward.

As recently as Monday, May 25, a manager told a very sick worker with Covid-19 symptoms that she had to come to work. That employee did not go to work on Monday but instead went to a doctor to get tested. She learned on May 26 that she tested positive for Covid-19. Her 10-month-old baby also tested positive. This worker had been told by managers to come to work despite her symptoms for several days prior, as her baby was at home with convulsions and a 104 degree fever.

Employees have been trying to do the right thing. They have been asking to stay home, getting tested themselves, and talking to each other to make the facts known. In one instance, after being told that nothing needed to be done about an asymptomatic employee who had tested positive, a worker tried to educate her manager that asymptomatic people can spread the virus. This manager chose to ignore the evidence and continued with business as usual.

Leading up to this outbreak, it was left to workers to figure out how to be safe through the pandemic without sufficient supplies or clear direction from McDonald's. In the beginning, managers provided masks made out of doggie diapers or coffee filters. After workers complained, they provided disposable masks but said we needed to use them for multiple days, until they stopped working or fell apart. The gloves they provided are very low quality and rip all the time, so they don't protect us or the public. We try to wash our hands, but regular hand washing is not enforced well enough. We try to sanitize, but no plan or protocol was put in place to ensure sanitization of high-touch surfaces after every use. McDonald's relies instead on a nightly cleaning. There are posters explaining social distancing, and one manager has talked about it, but in practice, nothing about the way the restaurant operates was altered to allow us to maintain it. There are as many as 11 people at one time in a small space. We move around a lot and are always in contact, always very close to each other. Managers have not said anything about this.

We are scared that this outbreak is going to get a lot worse, and that McDonald's will continue to do nothing. The company is not even complying with laws guaranteeing that sick workers can stay home with pay. When asked, managers have not indicated whether workers who have tested positive, who are sick with symptoms, or who have been exposed will get paid time off, and have instead suggested we apply for unemployment. Managers have expressed anger, and communicated anger from the owner, that they have to change operations due to so many being sick and have blamed workers for the situation.

Statement of Yamile Osoy

May 26, 2020

My name is Yamile Osoy, and I work at the McDonald's at 4514 Telegraph Avenue in Oakland, California.

My 10-month-old baby, Ezra, and I have both tested positive for Covid-19. I am very worried about my baby. He had a fever of 104 degrees for days, convulsions and diarrhea, and it has been hard to keep him hydrated. I am also very worried about my partner, who has a chronic lung condition from his allergies, asthma and bronchitis. He has also been feeling sick. At first, we thought he was just experiencing allergies but we looked on YouTube and we saw that the loss of smell and taste are symptoms of Covid-19, and he has those symptoms – when he eats he feels like he isn't eating anything. He and my eight-year-old son tried to get tested for Covid-

19 yesterday, May 25, but the clinic was closed, so they will try again this afternoon. The four of us live together.

For a month I have had co-workers with symptoms at work and coworkers who were missing for weeks at a time, but I didn't hear from management that anyone was sick with Covid-19 until Sunday, May 24. Kiana, a manager, was sneezing at the store about a month ago, she works in the front and then she was missing, but I don't know why, I heard she had a flu. About 20 days ago Juana didn't come to work for two weeks, then Nancy was out for about two weeks, and she still wasn't back on Saturday, May 23, when I was working. Now Cindy is sick; we worked together last week on Thursday. On Sunday, May 24, Marisol, the store manager, sent a group text saying that Maria and Nancy were sick with Covid-19.

On Monday, May 18, I felt sick at work, I had a headache, my legs and feet ached and I felt very hot. I told my manager Eucario that I felt sick and I wanted to go home, and that wearing the mask made me feel worse because it was too hard to breathe. He said, "There is no one to cover for you, just pull the mask down," so I did, and I continued to work sick. The next day, I only felt a mild headache, so I took Advil and went back to work.

When I came home on Friday, May 22, after my shift a little after 3 a.m., my partner told me that the baby had had a fever of 104 degrees since 11 p.m. We took the baby to the clinic on Friday and they said it was probably just the flu and to give the baby Tylenol, but the fever kept coming back to 104 degrees the whole weekend. I was supposed to go to work on Saturday, May 23, at 6 p.m., but I went to work late because the baby was so sick, I got there at 8 p.m., and then I had to leave at 9:30 p.m., because my baby was so sick, his fever was back up to 104 degrees and he was having convulsions. His father took him to the doctor at 9:00 p.m. and he called me and said I needed to come.

I was tested for Covid-19 on Saturday, May 23, and I got my positive result on Monday, May 25. I told Marisol that day (May 25) that my baby and I tested positive for Covid-19. I said, "I need to talk to you," and she said, "Did you test positive?" and I said, "Yes, and my son, too," and I started crying and I said to her that I was worried about my son, that it could turn out bad, and she said, "It's fine." I started crying harder because she said it was fine and it is not fine. The managers at the store never told me to quarantine myself. After I told Marisol that I tested positive for Covid-19, she texted the store group chat again, "Yamile and Cindy are positive, too."

I am also upset because McDonalds has not agreed to pay for my sick days. On May 25, I asked Marisol about my sick pay, and she said, "Are you asking if you are going to get paid?" I said, "Yes." And she said, "I don't know, I need to ask Michael [the store owner]."

The store managers have not protected us from Covid-19. They never told us to stay home if we were exposed to someone who has Covid-19 symptoms or who tested positive for Covid-19, or if someone in our household had a high fever or other symptoms.

In April, they gave us dog diapers and told us to make our own masks at work. I have only gotten a real mask from the managers twice, but these are the blue disposable masks, and they say we need to use them for three days. I have been using my own money to buy masks to use at work. And sometimes I see coworkers who aren't wearing masks properly, they are wearing them below the mouth.

McDonalds is not serious about enforcing social distancing at our store. We have marks on the floor where we are supposed to stand in the kitchen to maintain social distance, but we can't do our jobs if we just stand there. There are three or four of us in the kitchen and we are always crossing past each other because we have to move around, between the screen and the other areas. In the kitchen we wear kitchen gloves, but we don't have special gloves for Covid-19 safety, and the gloves break a lot so we have to keep changing them. And management does not enforce handwashing well enough.

Statement of Angely D. Rodriguez Lambert

May 26, 2020

My name is Angely D. Rodriguez Lambert and I have been working at the McDonald's at 4514 Telegraph Avenue in Oakland, California, since December 2019.

I live with my grandmother, who is 80 years old, and my aunt and uncle, and I am very worried that they will get sick from me, especially my grandmother. I believe that the managers at McDonald's have known for weeks that workers at our restaurant were getting sick with Covid-19 and that the rest of us were being exposed, but they did not tell us until Sunday, May 24, when a manager sent a group text saying two workers were sick with the virus. Now I have a terrible cough, aches, fever, a sore throat and other symptoms, and I am waiting to receive the test results to see if I have Covid-19.

Marisol, the store manager, has been sick for two weeks – the last time I saw her was Thursday, May 14 – but we were not told if she had Covid-19. Nancy and Cindy have also been out sick. I haven't seen Nancy since I worked with her on Saturday, May 16. Cindy was working until Wednesday, May 20. I worked with her that day and I saw that she was sneezing. I worked right next to her, we were less than two centimeters apart when she was filling the sauces. The manager even recorded a TikTok video of us working close together around 10 p.m.

On Wednesday, May 20, while I was on my break eating lunch, I saw Maria Orozco sitting at another table talking with Vanessa and crying. When I got back from break, Maria had already gone home. I asked my manager Eucario what happened to Maria Orozco and he told me that her babysitter had called to say she had tested positive for Covid-19, so they sent Maria home to be tested. I asked, "What are we going to do? What is going to happen? Are you going to close the store to sanitize it?" And Eucario said we were going to wait and continue working because Maria didn't have symptoms so we don't have to do anything. I told him asymptomatic people can be sick, and I showed him a video about it on YouTube. The next day, I asked my manager about Maria Orozco again, and the manager said he didn't know anything about her. We kept working like nothing happened. Now we know she took the test and tested positive for Covid-19, so she was working sick but was asymptomatic.

Usually I work Tuesday through Saturday from 6 a.m. to 2 p.m., but last week I worked more than 60 hours because Nancy and Cindy have been out sick (check names). On Wednesday, May 20, I worked 16 hours. On Thursday, May 21, I worked 11.5 hours, from 6 a.m. to 5:30 p.m. On Friday, May 22, I worked 13 hours, from 6 a.m. to 7 p.m.. Then on Saturday, May 23, at 10 a.m., I told my managers, Gregoria and Eucario, that I felt sick, and that I was very tired and I wanted to go home. I had pain in my chest and a sore throat. They told me I could go home when my shift was over at 2 p.m., so I continued to work sick for four more hours. Gregoria and Eucario both worked 24 hours straight that day because there wasn't enough staff. During my

shift, I worked sick with about 12 people total that day, including Gregoria, Eucario, Aura, Rosy, don Carlo, Fernando, Vanessa and don Valentin.

During the day on Sunday, May 24, I received a text from my manager on the group store text that two workers were sick. After that, I had to leave my home and stay with a cousin because I was worried that maybe I had Covid-19 and that my grandmother, aunt and uncle could get sick from me.

Even though I went home sick on Saturday, May 23, I received a text from my manager Marisol very late Sunday night – at 12:42 a.m. on Monday May 25 – asking me to come in at 6 a.m. on Monday, my usual day off. I did not come in. Instead, I went to get tested for Covid-19 at 9 a.m., and I texted the manager Marisol at 9:50 a.m. to say that I was just tested and am still waiting for my results so I can't come to work. She did not respond to my text. I have a terrible cough, I feel very hot, I have a fever, my body aches and my throat hurts. I also believe I was injured from the Covid-19 test because there was a lot of blood from the test, and it still hurts.

Another thing that makes me very upset is that I asked the manager Marisol if I was going to get paid while I wait at home for my test results and she said, "I don't know, I don't think so." I asked, "Why not? I got sick at work, I should get paid." And Marisol responded, "I see. You should apply for unemployment."

I am concerned that Covid-19 will spread from our store to other stores, both because workers who have been exposed in our store also work at other stores, and because of a management meeting that brought managers from five stores together at our store just last Friday. Several workers at the McDonald's where I work also work at other stores: Marco works at another McDonald's, Mario works at a McDonald's in Richmond, Rosy works at a McDonald's in downtown Berkeley, and Aura works at a Burger King. The management meeting took place on Friday, May 22, for three hours, from 2 p.m. to 5 p.m., with the owner of the store, Michael, and five store managers from the stores he owns, including the Jackson store and the San Pablo store. I saw Michael that day – he came to say hi to me and my co-workers, he was in the whole store. His wife and his son, who is around eight years old, also came into the store. His wife asked me for the password for the bathroom. So they were all exposed.

The store has not taken precautions to prevent the spread of Covid-19. The gloves we have don't work well. They break because they are kitchen gloves, not safety gloves that work for cashiers.

Statement of Cindy Escalante

May 26, 2020

I have tested positive for Covid-19 and I think I may have gotten it at work. Several other co-workers have been diagnosed with Covid-19 and I worked with one of those sick co-workers three days before I started feeling sick. I do not feel that McDonald's has done what it should to protect my co-workers and I.

I started feeling symptoms on Wednesday, May 20. I hurt all over, like when you get the flu. I texted my manager, Marisol, and told her, but she said she did not have anyone who could cover for me and I had to come in sick.

I was scheduled to work that night, from 7 p.m. to 3 a.m. as a closing manager. We close for business at 1 a.m. and clean after. Normally, we clean until 2, but this night there was extra cleaning and sanitizing so we stayed until 3 a.m. By 3 a.m., I felt terrible, I was so sick. I had a horrible fever. I was supposed to work Friday but I was too sick, I took the day off.

I spoke with my manager, Marisol, on Friday, May 22, the day I knew I was really sick. Marisol told me that I should get tested for Covid-19 because two other workers had already tested positive and that she too was feeling sick and was going to get tested. On Friday, I also spoke with another co-worker, Nancy, who was very sick. I do not know if Marisol told any other co-workers on Friday what was going on.

On Sunday, May 24, my co-worker Nancy called me from the hospital to tell me that she was very sick, and later she called to say that she got a positive test. By Sunday I was feeling much worse, so I went to the hospital that day and got a test. The doctor called me on Monday, May 25, to tell me that I am positive too. I do not know whether Marisol got a test, and if so, what the result was.

On Sunday, May 24, Marisol sent a text message to a number of my co-workers to tell them that I had tested positive. I do not know of any other time that they informed my co-workers that there were positive cases at the store, even though I think they knew by Thursday at least that we had positive cases. McDonald's definitely did not close down the restaurant, did not quarantine workers who were exposed, and did not offer to pay sick leave for those who were sick or exposed. I wonder how many other people got sick because of this.

I worked from Sunday, May 17, through Tuesday, May 19, prior to the day – Wednesday, May 20 – when I first felt symptoms. That Sunday (May 17) I worked with someone who eventually tested positive, but I did not notice them showing symptoms that day. I am worried about the co-workers I worked closely with. There is no social distance at the store, we move from the front to the back and do multiple jobs so we are always close to each other. On the Sunday before I felt sick (May 17), I worked a morning shift. There were a total of 10 people working that day and I worked closely with many of them. Monday through Wednesday I worked with four other people each day and we work very closely. The day I was showing symptoms, I worked especially closely with two other workers.

I have taken a total of four days sick leave, and they have not told me whether I will be paid. I haven't asked, but I am worried I will not get paid, and I am still sick so I cannot go back to work. I am very afraid for myself and my mother who lives with me. She has heart problems and I have to quarantine from her, but for now none of my family are sick.

Besides the time that I was told to come in sick, there have been other times that I or my co-workers were told that we had to come in even if we were feeling sick. If there is no one to cover your shift, you have to work sick. I feel this culture caused workers to feel like they should work sick.

I do not think McDonald's protected us before this all happened. My employer did not establish a plan to keep us safe, to sanitize and social distance in case one of us got sick or a customer was sick. We cleaned the restaurant every night, but not during the shifts before that. We were not instructed to sanitize high-touch surfaces regularly.

Also, we have not had a regular supply of protective gear. At the beginning, there were no masks, they made masks out of doggie diapers. We complained and management provided disposable masks, but only one per worker, which we had to wear for three to four days, until they wore out. Also, the gloves are poor quality and break all the time which makes them ineffective.

Statement of Maria Orozco

May 26, 2020

I have tested positive for Covid-19, and my two children, ages 9 and 11, have too. For now, we are not showing any symptoms, but I am worried because it is possible for us to show symptoms after more time. The reason I got tested is that my babysitter called me while I was at work on Wednesday, May 20, at 10 a.m. to tell me that she tested positive. I immediately called my manager, Marisol, at 10:24 a.m., to tell her that I was exposed to someone who tested positive and needed to go home. I left work right away.

On that same Wednesday, May 20, I took a Covid-19 test. On Friday, May 22, I was told that I tested positive. I told my manager at around 3 p.m. and the manager said they needed proof, which I provided to them. On Sunday, my brother, who also works at the store, showed me a text sent by managers telling everyone that Nancy and I had tested positive.

I had contact with my babysitter on Sunday, May 17, and Wednesday, May 20, the day she told me she tested positive. I think my babysitter probably caught the virus from me. We have many workers who have tested positive for the virus at our McDonald's, but where my babysitter works, no one is sick or has tested positive but her. She works at a small specialty market that sells German products.

I worked Sunday, Monday, Tuesday and Wednesday, May 17 through May 20, then my babysitter called and I went home. On those days, I worked with at least 10 or 11 people. On Sunday, May 17, I worked with Nancy and Cindy, who both eventually tested positive. My brother worked with Cindy on Wednesday, when she was sick, and he is still waiting for his test results, although he has no symptoms.

My manager Marisol was sick too. She worked Monday and Tuesday, May 18 and 19, and she was coughing and seemed to have the flu. On Wednesday, she did not come to our store because she said it was her day off, but it could have been because she was sick. She has not been at work as much as usual.

When I told my manager I tested positive, she started blaming me. She said in texts, "I am really disappointed in the way you have been behaving, the way you lied to me, putting at risk everybody and their families. We have various people with symptoms that cannot work and that is not fair. I am upset that you didn't tell us in time so we could avoid all these problems."

I told her that she should not blame me, that I told her immediately after I found out from my babysitter, that there was no way I could inform her sooner. Also, many other people have tested positive, not just me. She responded that everyone at work is mad at me, and this makes me feel terrible, when it is not my fault. She also said that the owner, Michael, is mad at her for letting my brother work. When I told her I did nothing wrong she did not respond. When I called

later to ask her if I would get paid for my quarantine time, she never answered my calls so I never got to ask her.

I do not feel this situation is my fault. McDonald's did not protect us by establishing a plan to keep us safe and enforcing good practices. At the beginning, they provided masks made out of doggie diapers. When they finally gave us disposable masks, they said that we need to wear each mask for a few days, until it isn't working anymore.

We talked about social distancing. Marisol even put some marks on the floor, but these marks were only about three feet apart. We cannot keep distance the way they set it up. We are very close when we work given the number of people they have in the kitchen. I think it is possible that customers got sick because we were at work with the virus and we make their food.

On my shifts, we were trying to clean as much as we could. The manager just told us about keeping distance but that's it, with no big plan or way of making sure a plan was enforced. We have posters for guidance and there were some kind of instructions posted, but they were in English so I couldn't read them.

STATEMENT OF ERIK OROZCO

May 27, 2020

My name is Erik Orozco. I have worked for McDonald's for a year. I do not have symptoms, but I tested positive for Covid-19 today. I got tested for Covid-19 because I have worked closely with a coworker who is very sick with Covid-19.

I believe that I was exposed to Covid-19 at work, at McDonald's. Two weeks ago on Saturday the 16th, one of my managers, Nancy, was saying she was not feeling well and she was really tired. She has not worked since then. I worked with her during the week leading up to the 16th including Tuesday, Wednesday and Friday.

I am usually a kitchen worker; but when Nancy calls me to come early I also bag the food and bring it to the window. I work very close to Nancy when I help this way. I helped out this way on Saturday the 16th, the 15th, 13th and the 12th.

On Tuesday the 19th I also worked closely with Cindy from 5pm until just after 2am on Wednesday. We worked close together, putting food in bags. Like me, Cindy has a positive diagnosis for Covid-19.

I am writing to support my coworkers on this complaint. Please take action to protect my coworkers, our families and McDonald's customers.

Next Steps

Please take immediate, decisive action to protect McDonald's workers, customers and our families. Our location – along with others where Covid-19 exposure has occurred – should be shut down immediately until they can be reopened safely. In addition, we believe your department, and other agencies as needed, should ensure that McDonald's takes the following steps so that it can reopen safely:

- Professionally sanitize the store.
- Pay all workers who get sick to quarantine until they are healthy, and until everyone they live with who has become sick as a result of this outbreak is also healthy. Permit exposed workers to stay in a hotel to quarantine, apart from other members of their households, with costs to be covered by McDonald's. (This is a public health matter and reopening should depend on McDonald's accepting this condition. If our family members get sick from us, the store cannot be safe to reopen.)
- Provide adequate protective equipment and supplies.
- Train staff and managers on best practices for Covid-19 safety going forward.
- Certify that it will follow best practices consistently at this and other locations going forward.

McDonald's has indicated throughout this outbreak that it values hamburger sales above public health, and as fast food workers we are in a unique position to make a difference. Therefore, in addition to these steps, please empower fast food workers like us to put a stop to dangerous practices at fast food restaurants and win improvements to protect ourselves, our family members, customers and the public.

Twenty-six of us are on strike today at the Telegraph Road location in Oakland because McDonald's has put us, our families and our community at risk. We are ready to help but feel we should not have to go on strike to protect our families and to keep the public safe.

Sincerely,

Angeli Rodriguez
 Yamileth Osoy
 Cindy Escalante
 Erik Orozco
 Maria Orozco
 Juana Bailon
 Mario Perez
 Aura Hernandez
 Sabina Tule
 Sandra Roman
 Vanessa Santos
 Delia Vargas

Mary Hernandez
 Alejandra Rangel
 Vidaly Jimenez Martinez
 Sofia Lopez
 Carmela Betancourt
 Marisela Ramos
 Rosy Flores
 Marcos Garcia
 Lucia Villa se Falcon
 Patricia Lopez
 Maria Ceja