

Cherrish Vick House Bill 176 Testimony_FAV.pdf

Uploaded by: Cherrish Vick

Position: FAV

**House Bill 176 – Labor and Employment – Occupational Safety and Health –
Revisions (Davis Martinez Public Employee Safety and Health Act)
Finance Committee
March 25, 2025**

FAVORABLE

My name is Cherrish Vick, I have worked as a Family Services Case manager for 16 years with the Department of Human Services in Prince George's County and I am a proud member of AFSCME Local 112. I am writing in strong support of this legislation and asking for your support of this bill.

In my role at the Department, I conduct home visits to ensure that vulnerable adults are safe and have the services in place to remain in the community. This prevents nursing home placement, thus saving the State money. Often times, these clients are voluntary and are receptive to services and the Departments' involvement in their life. However, there is always the possibility that there are others in the home who are not as receptive. Even with voluntary clients, there can be environmental factors in the home and community that can pose a threat to the Worker.

I am in strong support of this bill. Ensuring Worker safety will allow myself and my workers to continue to protect vulnerable adults. We will feel more comfortable interacting with voluntary and involuntary clients because we will have more protections. This bill can also be used as a recruitment tool for the Department.

I urge the committee to issue a favorable report on House Bill 176.

House Bill 176 AFSCME Council 3 Testimony_FIN_FAV.

Uploaded by: Christian Gobel

Position: FAV



1410 Bush Street (Suite A)
Baltimore, MD 21230
Phone: 410-547-1515
Email: info@afscmemd.org

Patrick Moran – President

**HB176 – Labor and Employment – Occupational Safety and Health –
Revisions (Davis Martinez Public Employee Safety and Health Act)
Finance Committee
March 25, 2025**

FAVORABLE

AFSCME Maryland Council 3 strongly supports House Bill 176. AFSCME Maryland Council 3 represents approximately 50,000 public service workers across the state of Maryland including state, county, and municipal employees. House Bill 176, the Davis Martinez Act, is named in honor of Agent Martinez, a young man who worked as a Parole and Probation Agent and was a member of AFSCME Local 3661. Our union firmly believes this legislation will honor the legacy of Davis Martinez by greatly improving the workplace safety and health of public employees across Maryland.

AFSCME members, and other public employees, face significant risks to their safety and health every day across the state of Maryland. AFSCME members maintain security and provide programming in our state and county correctional institutions, supervise parolees in our communities, deliver behavioral and mental health care to state hospital patients and patients in communities, supply sanitation services for our communities, transport students to school, and so much more. AFSCME members make it possible for Marylanders to receive the public services that they rely on every day.

Despite the critical role these workers play in our society, too often concerns about their safety and health are overlooked and ignored. In addition to the tragic death of Agent Martinez, other public service workers lost their lives on the job this year. Within a span of months, Ronald Silver II and Timothy Cartwell, both sanitation workers with the Baltimore City Department of Public Works (DPW), lost their lives on the job. Mr. Silver died from heat stress, while Mr. Cartwell was crushed by a trash truck.¹

These tragedies illustrate the dire consequences workers face when our laws fail to hold public employers accountable for their public servants' workplace safety. In addition to these painful examples, data clearly shows that public employees experience high rates of occupational injuries, illnesses, and workplace violence incidents. Here in Maryland, state and local government injury and illness cases occur at a rate of 5.4 cases per 100 full-time workers, compared to the national rate of 4.3 based on the most recent data.² In contrast, private industry injury and illness cases occur at a rate of 2.4 cases per 100 full-time workers.³ Rates of workplace violence against public employees is even more

¹ Mike Hellgren, *Father raises concerns about Baltimore DPW after his son died from overheating while on the job*, CBS News Baltimore (Nov. 18, 2024), <https://www.cbsnews.com/baltimore/news/maryland-dpw-worker-death-conditions/>.

² U.S. Bureau of Labor Statistics, *Employer-reported workplace injuries and illnesses in Maryland – 2023*, Mid-Atlantic Information Office (Dec. 20, 2024), https://www.bls.gov/regions/mid-atlantic/news-release/workplaceinjuriesandillnesses_maryland.htm.

³ *Id.*

troubling. Research has demonstrated that rates of non-fatal workplace violence against government workers are more than three times that of private-sector workers.⁴ Workers in corrections had the highest average annual rate of nonfatal workplace violence at a rate of 149.1 violent crimes per 1,000 workers.⁵ Additionally, government workers in mental health, medical, and teaching occupations had higher rates of nonfatal workplace violence than their private sector peers.⁶ Finally, protective-service occupations, like police officers, were the second highest category of workplace homicide victims accounting for nineteen percent of workplace homicides.⁷

With this bill, Maryland has the opportunity to change the way we address our public employees' occupational safety and health by emphasizing proactive planning and prevention methods to keep employees safe. It is similarly essential that our public employers recognize they should be held accountable to the same penalties as private sector employers are when they commit violations under our state's occupational safety and health laws.

The Davis Martinez Act amends current law and adds necessary protections for public employees to our state's workplace safety and health laws. Specifically, the legislation: i) establishes a dedicated Public Employee Safety and Health Unit (PESHU) within the Maryland Occupational Safety and Health agency, which will be responsible for administering and enforcing an effective program on occupational safety and health for public employees; ii) holds public employers accountable by subjecting them to penalties for violations of the law; and iii) requires MOSH to promulgate a workplace violence prevention standard on or before October 1, 2026. We believe these reforms and measures will lead to more intentional planning and preparation to keep public employees safe from the hazards they face in their work and will honor the legacy of our fallen union brothers by doing so.

We strongly urge the committee to issue a favorable report of House Bill 176.

⁴ U.S. Dep't of Justice, U.S. Dep't of Labor, National Institute for Occupational Safety and Health, *Indicators of Workplace Violence, 2019, 23* (July 2022), <https://bjs.ojp.gov/content/pub/pdf/iwv19.pdf>.

⁵ *Id.* at 22.

⁶ *Id.* at 23.

⁷ *Id.* at 16.



SEIU Local 500 Testimony in Support of HB 176 (Sen

Uploaded by: Christopher Cano

Position: FAV



Testimony - HB 176, Labor and Employment -Occupational Safety and Health-
Revisions (Davis Martinez Public Employee Safety and Health Act)

Favorable

Senate Finance Committee

March 25, 2025

Christopher C. Cano, MPA

Director of Political & Legislative Affairs on Behalf of SEIU Local 500

Honorable Chairwoman Beidle and Members of the Senate Finance Committee:

SEIU Local 500, as one of Maryland's largest public sector unions representing over 23,000 workers, expresses our strong support for House Bill 176, the **Davis Martinez Public Employee Safety and Health Act**. This critical piece of legislation represents a significant step toward improving the safety and health of public employees across our state, and it is an essential measure that directly benefits those who serve our communities.

As we all know, public employees play an indispensable role in ensuring the smooth operation of our state's various services, from law enforcement and fire departments to public health and education. They often work in environments that are hazardous or unpredictable, and unfortunately, the risks they face can sometimes lead to injury, illness, or even death. This bill is a powerful response to those risks and embodies our collective responsibility to safeguard those who dedicate their careers to serving others.

The **Davis Martinez Public Employee Safety and Health Act** ensures that public employees are provided with the necessary protections to reduce exposure to dangerous working conditions. By strengthening safety protocols and ensuring proper reporting and accountability systems, this legislation directly addresses the critical gaps that exist in current protections for public employees.

This legislation improves public employee safety and health by:

- Establishing a Public Employee Safety and Health Unit within the Maryland Occupational Safety and Health administration (MOSH) to administer and enforce Maryland's workplace safety and health laws for public employees.
- Requiring the Commissioner of Labor to publish an annual report on various topics addressing workplace safety and health issues in Maryland's public sector including, a list of citations issued to public employers in the prior year.
- Requiring public employers to keep an accurate record of work-related deaths, injuries, and illnesses and submit this data to the Commissioner on a quarterly basis.
- Clarifying and emphasizing standards for the inspection program of public employee's workplaces which experience the most complaints or citations, including random inspections of workplaces without notice to the public employer.
- Holding public employers accountable for their workers' safety by subjecting public employers to penalties for violations of workplace safety and health laws.
- Requiring MOSH to establish a workplace violence prevention standard for all public sector workplaces in Maryland.

Moreover, the tragic deaths of Ofc. Davis Martinez and other public servants highlight the urgent need for these reforms. Their loss is a stark reminder of the inherent dangers public employees face daily, and their sacrifice should drive us to action. We owe it to the families, colleagues, and communities of those lost to ensure that the necessary protections are in place to prevent further tragedy.

By passing HB 176, we take a bold and necessary step toward improving workplace safety, reducing injuries, and demonstrating our unwavering commitment to the wellbeing of the people who are there for us when we need them most. This bill reflects our shared values of safety, equity, and respect for the individuals who work tirelessly to protect and serve our state.

We urge all members of the House to support HB 176, and we thank Delegate Solomon for his leadership on this issue. Public employees deserve our utmost respect, and it is our responsibility to ensure they have the safe and healthy work environments they need to continue their important work without fear of harm. We ask you to pass this bill out of committee with a favorable report.

Thank you for your time and consideration.

Christopher C. Cano, MPA
Director of Political & Legislative Affairs
SEIU Local 500

D. Akindoyo Testimony HB176_FAV.pdf

Uploaded by: Delonya Akindoyo

Position: FAV

**House Bill 176 – Labor and Employment – Occupational Safety and Health –
Revisions (Davis Martinez Public Employee Safety and Health Act)
Finance Committee
March 25, 2025**

FAVORABLE

Dear Members of the Finance Committee,

My name is Delonya Akindoyo, and I have proudly served as a custodian and union member for Anne Arundel County Public Schools for nearly 20 years. I currently serve as the President of AFSCME Local 1693, representing food service, transportation, operations, and maintenance employees. I am writing in strong support of House Bill 176, the Davis Martinez Public Employee Safety and Health Act, and urge you to support this legislation.

Our employees face numerous workplace safety challenges that threaten their ability to perform their jobs safely and effectively. For example, at one of our training locations for the transportation department, trainers are tasked with certifying new drivers for county subcontractor buses. During a recent training session, a participant fell asleep. When trainers explained that sleeping during training was unacceptable and warned her that she would be asked to leave if it continued, the individual became aggressive. She verbally threatened the trainers, used racial slurs, and caused such disruption that the trainers had to call for assistance. The police ultimately had to remove her from the premises to ensure safety.

Similarly, other departments have experienced unsafe incidents. In one case, two maintenance workers had a disagreement at a worksite that escalated into a physical altercation, endangering those around them. Bus drivers have also faced significant risks, such as when a student became confrontational toward a bus aide, eventually hitting the aide and causing a bloody nose. Custodial workers are not exempt from these dangers. In one instance, a custodian asked a student to leave a bathroom so it could be cleaned. The student responded with racial slurs and threats, leaving the older custodian feeling unsafe and disrespected.

These incidents represent just a few examples of the unsafe and hostile conditions our employees endure. House Bill 176 is critical to addressing these recurring safety concerns. It will provide the necessary protections, training, and resources to create a safer work environment for public employees. Passing this legislation would not only ensure the well-being of our workforce but also allow them to serve the community more effectively and confidently.

I urge the committee to issue a favorable report on House Bill 176.

Sincerely,
Delonya Akindoyo
President, AFSCME Local 1693
Anne Arundel County Public Schools

HB 176 - Davis Martinez Public Employee Safety and

Uploaded by: Donna Edwards

Position: FAV



MARYLAND STATE & D.C. AFL-CIO

AFFILIATED WITH NATIONAL AFL-CIO

7 School Street • Annapolis, Maryland 21401-2096

Balto. (410) 269-1940 • Fax (410) 280-2956

President

Donna S. Edwards

Secretary-Treasurer

Gerald W. Jackson

**HB 176 - Davis Martinez Public Employee Safety and Health Act
Senate Finance Committee
March 25, 2025**

SUPPORT

**Donna S. Edwards
President**

Maryland State and DC AFL-CIO

Madame Chair and members of the Committee, thank you for the opportunity to submit testimony in support of HB 176. My name is Donna S. Edwards, and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of Maryland's 300,000 union members, I offer the following comments.

This essential legislation aims to improve workplace safety and hold employers of public employees accountable to on-the-job health standards. Named in honor of Davis Martinez, a Parole and Probation Agent and beloved member of one of our local unions who tragically lost his life last year while on the job, this bill seeks to prevent tragedies like his by prioritizing worker safety.

In September 2024, Maryland joined several other states in taking a significant step toward safeguarding workers in the workplace by adopting and implementing Heat Stress Standards for indoor and outdoor occupations. These standards require employers to put in place prevention plans for heat related injuries or illnesses while on the job including providing shade and water, establishing emergency response implementation, and conducting training procedures among other measures.¹ While this was an important step, it only came *after* the death of Department of Public Works employee Ronald Silver II. We cannot wait until after one of our workers is gone to do something.

Many public employees, including those in correctional institutions, sanitation, healthcare, transportation and education, face substantial risks to their health and safety every day. These

¹ Alana F. Genderson and Celina Antonellis, "Maryland Joins Growing Number of States Issuing Heat Illness Prevention Standards." Lawflash. October 2024.

employees play a critical role in delivering the public services Marylanders rely on, but the current law fails to protect them by holding employers accountable for their employees' safety and well-being.

HB 176 addresses these shortcomings by enacting a number of measures to enhance workplace safety standards: 1) it establishes the Public Employee Safety and Health Unit (PESHU) under the Maryland Occupational Safety and Health Agency; 2) enhances transparency and accountability through the requirement of annual reports detailing citations and safety measures; 3) combats workplace violence by requiring employers to craft and implement programs to prevent workplace violence.

This bill represents a necessary step in protecting Maryland's workforce and fostering environments where employees feel safe and supported. For these reasons, we urge the committee to vote in favor of HB 176.

D. Bryant Testimony HB176.pdf

Uploaded by: Dorothy Bryant

Position: FAV

**HB176 – Labor and Employment – Occupational Safety and Health – Revisions
(Davis Martinez Public Employee Safety and Health Act)**

**Finance Committee
March 25, 2025**

FAVORABLE

My name is Dorothy Bryant, I am the proud President of AFSCME Local 44. Our union represents thousands of municipal employees across Baltimore City. Our members deliver critical public services to the people of Baltimore including maintenance and repair of public infrastructure, community health services, sanitation services, health services for Baltimore City Public Schools, and so much more.

AFSCME Local 44 is in strong support of House Bill 176. I've been a member of my local for over 55 years. In 2024, my local lost two of our brothers. That's never happened before. Mr. Ronald Silver the Second, a young man, only 36 years old, lost his life on August 2, 2024, due to heat stress while he was out working. Mr. Silver worked in sanitation for the Department of Public Works in Baltimore City and was a member of AFSCME Local 44. Tragically, he died a month before Maryland's Heat Stress Standard went into effect. Had it been in effect prior to his death, it would have saved him. A report found that DPW did not have in place a comprehensive heat illness prevention program at the time of Mr. Silver's death. The work that MOSH does to set and enforce safety standards matters.

As if this tragedy wasn't enough, a few months later, another man who worked for DPW, Mr. Timothy Cartwell, was crushed between a utility pole and a truck and as a result lost his life. These tragedies are unacceptable and were both preventable. How many more people must die before we change our ways. For the sake of our public service workers and to make sure we do everything we can to prevent future deaths, please support the Davis Martinez Act. Thank you.

HB0176-FIN-FWA.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

HB 0176

March 25, 2025

TO: Members of the Senate Finance Committee

FROM: Nina Themelis, Director of Mayor's Office of Government Relations

RE: House Bill 176 - Davis Martinez Public Employee Safety and Health Act

POSITION: SUPPORT

Chair Beidle, Vice Chair Hayes, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) supports House Bill (HB) 176 as amended.

HB 176 introduces significant revisions to the Maryland Occupational Safety and Health Act to strengthen protections for public sector employees, including correctional officers. The legislation establishes the Public Employees' Safety and Health Unit within the Division of Labor and Industry, led by an Assistant Commissioner, to administer oversight of workplace safety compliance. The legislation removes the previous exemption of public bodies from certain penalties, directing civil penalty revenues toward the Maryland Apprenticeship and Training Program. Furthermore, it tasks the Commissioner of Labor and Industry, in consultation with the Occupational Safety and Health Advisory Board, with adopting regulations aimed at protecting public employees from workplace violence, thereby enhancing accountability and employee safety statewide. Additionally, it requires a Correctional Training Commission to establish regulations for the training, issuance, and use of body-worn cameras and mandates that correctional units maintain written policies for their deployment.

The bill's updated standards are expected to enhance safety protocols, reducing risks for employees. The city remains committed to promoting employee safety and has made significant progress in fostering safer and healthier workplaces. Many agencies have been working to build the necessary capacity and culture to reduce workplace injuries, illnesses, and incidents of violence.

The BCA would like to recommend that penalty revenues should be directed towards health and safety measures which would ensure that collected fines are utilized effectively. Specifically, these funds could support a no-fee MOSH training program for the public sector, allowing the commissioner to allocate a portion of any fine towards abatement activities. This adjustment would strengthen the bill's effectiveness while supporting long-term workplace safety enhancements.

The BCA respectfully **supports** HB 176 as amended as these changes will help public agencies meet compliance requirements while prioritizing long-term workplace safety.

XHB176 - MSEA - FAV.pdf

Uploaded by: Samantha Zwerling

Position: FAV

FAVORABLE
House Bill 176
Education – Public School Employers and Employees – Revisions
(Davis Martinez Public Employee Safety and Health Act)

Senate Finance Committee
March 25, 2025

Samantha Zwerling
Government Relations

The Maryland State Education Association strongly supports House Bill 176, which would establish urgently needed protections for the safety of public employees, including Maryland's educators. House Bill 176 requires public employers to create workplace violence prevention programs, keep accurate injury records, and be transparent with their staff about safety incidents. To provide oversight and enforcement, the legislation establishes a dedicated Public Employees' Safety and Health Unit within the Division of Labor and Industry, with authority to conduct inspections, issue citations, levy penalties, and develop annual safety reports.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our almost 900,000 students so they can pursue their dreams. MSEA also represents over 40 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3 million-member National Education Association (NEA).

Educators should feel safe in their own classrooms, cafeterias, and school buses, and there are commonsense steps that we can take to prevent threats and injuries to school staff, such as those in this bill. Doing so not only improves educator safety, but also improves safety for students and our ability to retain educators. Across the state, our members repeatedly identify enhancing safety as a priority for improving working and learning conditions.

Like other public employees, Maryland educators currently lack comprehensive workplace safety protections. House Bill 176 establishes reasonable standards and proactive enforcement mechanisms to ensure public employers take their safety responsibilities seriously. By fostering a safer school environment, this legislation will help educators and students focus on teaching and learning free of potential disruption and harm.



MSEA supports additional interventions to bolster school safety, including embracing restorative practices and hiring more mental health professionals and support staff. House Bill 176 is a critical part of a holistic approach to protecting our students and educators.

We concur with House Bill 176 that our public institutions should lead the way in creating and maintaining safe workplaces in Maryland.

We urge the committee to issue a Favorable Report on House Bill 176.

CUB Senate Version HB 176.docx.pdf

Uploaded by: Todd Reynolds

Position: FAV



City Union of Baltimore

Local 800, AFT, AFL-CIO

President

Antoinette Ryan-Johnson

**Written Testimony Submitted to the
Maryland Senate Finance Committee
HB 176: Labor and Employment – Occupational Safety and Health – Revisions
Davis Martinez Public Employee Safety and Health Act
March 25, 2025
SUPPORT**

Good afternoon Chair Beidle, Vice Chair Hayes, and members of the Senate Finance Committee. My name is Antoinette Ryan-Johnson, and I am a public employee who has been working for the City of Baltimore for over almost 28 years. I am also the president of the City Union of Baltimore, AFT Local 800, the labor union representing thousands of city employees working in various different city agencies. In these capacities, I urge a favorable report to HB 176.

Of particular interest to us in CUB is the provision of this bill that would lift the monetary fine exemption in our health and safety laws for public entities. In 2019, City Union of Baltimore lost one of our members, Trina Cunningham, in a workplace accident at the Patapsco water treatment facility when she fell through a faulty catwalk above a tank holding untreated sewage. This accident was not only tragic, but preventable, as the subsequent inspection of the facilities done by MOSH found numerous serious workplace safety violations at the plant, including a failure to inspect and maintain walking surfaces on the catwalks above the cascading effluent outfall, which was the direct cause of Ms. Cunningham's death.

At the closing conference between MOSH, city DPW, and the union to present MOSH's findings, it was revealed that MOSH found 24 serious safety violations at the Patapsco plant, "serious" meaning "a violation where there is a substantial probability that death or serious physical harm could result." After each of the violations listed on MOSH's report, the proposed penalty was stated as "\$0.00," meaning that despite these dozens of violations that can be a cause of death or serious injury, violations that would easily warrant a six-figure penalty, because of our broken state Occupational and Safety laws, there would be no penalty for causing the death of this city worker. I have included the MOSH closing document in my testimony, so that you can be as outraged as was to see a city employee's life's worth reduced so much.

Our support for this bill is not so that we may bankrupt public entities. Our support for this bill is simply that there must be some financial incentive to make sure our public entities are doing all they can to keep public employees safe. Public employment in Maryland is, unfortunately, a very dangerous job, and thanks to our broken Workplace Safety and Health Laws, it is not an

exaggeration to say being a public employee in Maryland in general and Baltimore in specific is one of the most dangerous jobs, unfortunately, in the county. By way of example, just in the past 10 years, there have been over 300 MOSH/OSHA violations found in city agencies, one of the worst track records in the country. We must do more to be sure our public employees are safe at work. We again call on the passage of HB 176. Thank you.

T. Sines Testimony HB176_FAV.pdf

Uploaded by: Tony Sines

Position: FAV

**House Bill 176 – Labor and Employment – Occupational Safety and Health –
Revisions (Davis Martinez Public Employee Safety and Health Act)
Finance Committee
March 25, 2025**

FAVORABLE

My name is Tony Sines, I have worked as a Correctional Officer for 15 years with the Department of Public Safety and Correctional Services, I am a proud member and President of AFSCME Local 898 in Western Maryland. I am writing in strong support of this legislation and asking for your support of this bill.

I have watched staffing levels drop to crazy low levels in the Maryland Correctional Facilities. I was one of the officers that conducted the post-by-post staffing analysis in 2023 in all of Maryland's Correctional facilities. We met with the department over a year ago and agreed on what post needed to be added or converted to run safe correctional facilities in Maryland. As of today 1/24/2025, the department still has not promulgated any new staffing plans which are required to operate these correctional facilities. And since the staffing analysis was conducted, we have lost a lot more staff to retirement and other more competitive employers. All the while these correctional officers are forced to work mandated double shifts several times a week and forced to work one or both of their relief days this has been going on since 2016. And the facilities we work in are falling apart due to the amount of deferred maintenance issues we have not addressed. They have mold issues, broken fire equipment, leaky roofs, security radios do not function properly to call for help, broken zone sensors and fences are falling down that are there to protect the public from the incarcerated individuals just to name a few. And while we must deal with all these things the department is not providing a safe work environment for its employees or incarcerated individuals. Staff assaults have more than doubled from the calendar year 2023 to 2024. The two correctional facilities I represent house Maryland's most dangerous offenders and there have been multiple staff assaults requiring correctional officers to be life flighted to other hospitals and almost losing their lives doing this critical job and those numbers have more than doubled in the last calendar year. We must address this issue and provide a safe environment for employees and the incarcerated individuals we house in Maryland.

It is impossible for me to sit here and list all the reasons I support this bill. This bill would show Maryland state employees that you care about their health and safety and that you are willing to support them with the things they need to conduct their jobs safely. It would help bring back a strong workforce and retain employees in Maryland.

I urge the committee to issue a favorable report of House Bill 176.

W. Smith Testimony HB176_FAV.pdf

Uploaded by: Wendy Smith

Position: FAV

**House Bill 176 – Labor and Employment – Occupational Safety and Health –
Revisions (Davis Martinez Public Employee Safety and Health Act)
Finance Committee
March 25, 2025**

FAVORABLE

My name is Wendy Smith, and I am a registered nurse with more than 25 years of experience. I am also the President of AFSCME Local 558 where I represent nurses who have dedicated their lives to public health nursing. I am writing in strong support of this vital legislation and asking for your support of this bill.

As a public health nurse, it is our responsibility to go into the homes of our clients. We work directly with first time mothers, assessing the health and environment of our aging population as well as reaching out to school age children to ensure they are receiving necessary services. In doing so, this places our nurses at an increased risk for harm.

As a nurse and a woman, I have personally been placed in positions where I've been sexually harassed by clients. I remember being so frightened when a male client pretended to have some sort of heart ailment, just so I would move closer to him. As I proceeded to take his vitals, he began to tell me how nice I smelled, and that I reminded him of his wife, needless to say the conversation digressed from there. This gentleman was fine, but it dawned on me that my employer had no provisions to protect me. When I shared my concern to leadership, in my opinion nothing was done. No investigation and no recording of the concerns.

My story is not unique.

My nurses tell me daily of the risk they take when entering homes alone. They have been confronted with impaired individuals whom appears to be under the influence of drugs or alcohol, violent individuals especially those homes we go into that may have an open CPS case (Child Protective Services). We are continually placing our safety at risk and complaints to management either lands on deaf ears, or their met with many different possible resolutions, that are inconsistently applied from member to member or throughout my department or other agencies. We need clear, concise and most importantly consistent messaging and this bill does exactly that.

The Davis Martinez Public Employee Safety and Health Act I wholeheartedly support, this would mandate that employers put in place safety measures that would guide how concerns are being addressed, require complaints to be recorded, and it allows deeply needed oversight of the process.

I urge the committee to issue a favorable report of House Bill 176.

Senate Crossover_HB0176_MD Labor_ FWA_ Senate Finan

Uploaded by: Andrew Fulginiti

Position: FWA

MARYLAND DEPARTMENT OF LABOR TESTIMONY ON HOUSE BILL 176

TO: Senate Finance Committee Members
FROM: Maryland Department of Labor
DATE: March 25, 2025
BILL: Davis Martinez Public Employee Safety and Health Act (HB 176)

MDL POSITION: FAVORABLE WITH AMENDMENTS

The Department of Labor and its Maryland Occupational Safety and Health program (“MOSH”) are deeply committed to the mission of worker safety and health, and to improving both compliance with our State’s standards, and strengthening the standards themselves. With just a few exceptions, MOSH covers almost all of the 2.7 million people who work in Maryland, in both the private and the public sector.

This past year has been a tragic one for on-the-job deaths of workers in our State. Four of the workers who lost their lives worked in the public sector. And those deaths do not stand in isolation: rates of nonfatal occupational injuries and illnesses are consistently higher in the public sector than in the private sector. That is the case not only in our state, but in other states as well, and is partly due to the fact that the public sector includes some occupations that are regularly exposed to serious hazards – firefighting, corrections and law enforcement, waste management. Risk is a given in these jobs; tragedy should not be. These outcomes are not inevitable, and they are not acceptable. We as a state must find ways to mitigate those risks and better protect the people who perform this critically-needed, difficult work that serves us all and makes our communities safe and livable.

This bill begins that process by placing a clear focus on public sector health and safety. We appreciate the sponsors’ willingness to work closely with the Department to address technical concerns we had with the structural and operational aspects of the original bill and are comfortable that the remaining concern – specifically, ensuring that the penalty scheme that is changed by this bill remains unchanged in the Public Safety Article law that incorporates that scheme by reference – has been addressed.

The Department looks forward to working with all stakeholders, including our sister agencies and local and country governments, to develop and implement a workplace violence prevention standard and to take other appropriate measures to better keep our public servants safe and healthy on the job.

The Department requests a favorable report on the bill, with adoption of the suggested amendments, and would be pleased to respond if the Committee has technical or informational questions.

For questions, please contact Andrew Fulginiti, at **Andrew.Fulginiti@maryland.gov**.

HB176_DBM_FWA

Uploaded by: Dana Phillips

Position: FWA



Maryland

DEPARTMENT OF BUDGET
AND MANAGEMENT

WES MOORE
Governor

ARUNA MILLER
Lieutenant Governor

HELENE GRADY
Secretary

MARC L. NICOLE
Deputy Secretary

House Bill 176 Davis Martinez Public Employee Safety and Health Act

Support with Amendments

Date: March 25th, 2025

Committee: Finance

Summary: The Department of Budget and Management has concerns regarding language on page 3, lines 28-29 and page 4, lines 1-2, which states: "A POLICY DEVELOPED AND MAINTAINED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE A MANDATORY SUBJECT OF COLLECTIVE BARGAINING WITH THE EMPLOYEE ORGANIZATION CERTIFIED AS EXCLUSIVE REPRESENTATIVE." We believe including the "mandatory subject of collective bargaining" language is repetitive. The policy would already fall within the scope of collective bargaining because it would be a matter relating to terms and conditions of employment, a bargaining category established in State Personnel and Pensions Article § 3-502.

The Department has concerns with this language, which may create a new precedent in the Maryland Code by identifying specific subjects as mandatory topics. Beyond the categories noted in SPP § 3-502 (Collective bargaining shall include all matters relating to (1) wages, hours, and other terms and conditions of employment...), no other specific items are identified as a "mandatory subject" of bargaining in the Maryland Code.

While the Department recognizes the importance of workplace safety for public employees, we have concerns about the precedent-setting collective bargaining language. We respectfully request that the Committee consider these concerns and remove this language from the legislation.

**For additional information, contact Dana Phillips at
(410) 260-6068 or dana.phillips@maryland.gov**

45 Calvert Street • Annapolis, MD 21401-1907

Tel: 410-260-7041 • Fax: 410-974-2585 • Toll Free: 1-800-705-3493 • TTY Users: Call via Maryland Relay

<http://dbm.maryland.gov>

MCAA HB 176 Davis Martinez Public Employee Safety

Uploaded by: Mary Ann Thompson

Position: FWA



HB176
Davis Martinez Public Employee Safety and Health Act

MCAA Position: **SUPPORT WITH
AMENDMENT**

DATE: March 21st, 2025

TO: Appropriations

FROM: Ryan Ross, President
Lamonte Cooke, Legislative Committee
Mary Ann Thompson, Legislative Committee

The Maryland Correctional Administrator's Association (MCAA), an organization comprised of our statewide jail wardens and administrators for promoting and improving best correctional practices, appreciates the opportunity to provide information regarding HB 176.

Request under Section 8-211 (C), which applies only to local detention centers, to add (4) A policy developed and maintained under paragraph (1) of this subsection is not subject to collective bargaining.

Not all local detention centers have unions, so collective bargaining does not apply.

The Maryland Correctional Administrators Association would **Support with Amendment HB 176**.

MCPA-MSA HB 176 BWC Correctional Officers SENATE.p

Uploaded by: Samira Jackson

Position: FWA



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Pamela Beidle, Chair and
Members of the Senate Finance Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Samira Jackson, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 25, 2025

RE: **HB 176**

POSITION: **SUPPORT WITH AMENDMENTS**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT HB 176 with amendments.** This bill requires the Correctional Training Commission to establish regulations for body-worn cameras by correctional officers.

MCPA-MSA support this legislation, as it represents a necessary step forward in ensuring the safety, accountability, and professionalism of correctional officers through the implementation of body-worn cameras. This bill establishes clear regulations regarding the training, issuance, and use of these devices, addressing critical aspects such as data security, privacy considerations, and procedural integrity. By requiring correctional units to develop policies consistent with state regulations, the bill promotes uniformity in best practices, enhancing both transparency and the protection of officers and inmates alike. However, it is essential to acknowledge that not all counties operate under collective bargaining agreements, making a blanket requirement for policy negotiation through collective bargaining impractical.

To address this concern, an amendment to page 3, lines 28-29 and page 4, lines 1-2, should be introduced to ensure that the bill remains equitable and applicable to all jurisdictions. Specifically, the language in 8-211 Section (B)(2), which mandates that policies must be a subject of collective bargaining, should be revised to accommodate counties without such agreements. The amendment should allow that in the absence of a collective bargaining agreement, local correctional authorities shall establish their own policies, perhaps in consultation with relevant stakeholders. This approach maintains the intent of the bill while providing flexibility for jurisdictions that operate outside of collective bargaining frameworks.

Additionally, the amendment should clarify that correctional units in non-collective bargaining counties may adopt to the regulatory framework set forth by The Commission. This ensures consistency across all jurisdictions, preventing disparities in implementation and enforcement. By doing so, the bill remains fair and effective in enhancing correctional facility oversight while respecting the structural differences

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Westminster, Maryland 21157
667-314-3216 / 667-314-3236

among counties. For these reasons, MCPA and MSA **SUPPORT HB 176 with amendments** and urge a **FAVORABLE** committee report.

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hb176amend.pdf

Uploaded by: Will Vormelker

Position: UNF

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
ADMINISTRATOR
GOVERNMENT RELATIONS
AND PUBLIC AFFAIRS
P: (410) 260-1560

SUZANNE PELZ, ESQ.
SNR. GOVT. RELATIONS AND
PUBLIC AFFAIRS OFFICER
P: (410)260-1523

MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Finance Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 176
Davis Martinez Public Employee Safety and Health Act
DATE: March 19, 2025
(3/25)
POSITION: Oppose

The Judiciary has no position on the policy aims of this legislation and defers to the legislative branch on such matters. It is not clear, however, if this bill is intended to apply to the Judiciary. If so, the Judiciary would respectfully request that it be exempt given its current policies and its constitutional authority to separately manage its branch of government.

For the Judiciary, this bill is unnecessary as the Judiciary's Policy on Standards of Conduct address workplace violence and investigations and are conducted in accordance with the Judiciary's Policy on Disciplinary Actions. Any regulations that may be developed would impact these thorough policies. Article IV, §18(b)(1) identifies the Chief Justice of the Supreme Court as the administrative head of the Maryland Judiciary. The power to administer the Judiciary is an express constitutional power of the Chief Justice. This constitutional authority includes managing the Judiciary's workplace violence and investigatory process. As such, the bill raises separation of powers concerns, if applied to the Judiciary.

Additionally, certain aspects of the bill create operational issues given that the Judiciary operates in facilities managed by other state and local entities. District Court locations are

maintained by the Department of General Services or private or municipal landlords. Circuit courthouse facilities are maintained and funded by the county or city in which the courthouse is located. Including the Judiciary as a “public body” in this legislation is problematic as the Judiciary does not have the control, contemplated by the legislation, over its workplace facilities.

cc. Hon. Jared Solomon
Judicial Council
Legislative Committee
Kelley O’Connor

HB176_USM_SENFIN_INFO.pdf

Uploaded by: Andy Clark

Position: INFO



SENATE FINANCE COMMITTEE

House Bill 176

**Labor and Employment - Occupational Safety and Health - Revisions (Davis
Martinez Public Employee Safety and Health Act)**

March 25, 2025

Letter of Information

Chair Beidle, Vice Chair Hayes, and members of the committee, thank you for the opportunity to offer testimony on House Bill 176. House Bill 176 establishes a Public Employees' Safety and Health (PESH) Unit in the Division of Labor and Industry within the Maryland Department of Labor (MD Labor). The bill requires the Commissioner of Labor and Industry to appoint an Assistant Commissioner for PESH to head the unit, subject to the Secretary of Labor's approval. The bill expands the existing Maryland Occupational Safety and Health (MOSH) program by establishing penalties for public bodies and elected officials and enhancing notification and reporting requirements for public bodies, among other requirements and specifications.

USM strongly supports the goal of creating a safer workplace for employees. However, the USM is concerned that the bill, as proposed, would increase administrative and fiscal burdens without a significant impact on improving the safety of working conditions for Maryland's public employees.

A primary concern is the negative impact of civil penalties within the context of public employment. While current law allows USM and other public employers to appeal citations for workplace safety violations, the threat of civil penalties would increase the likelihood of appeals and further litigation. This may impose significant cost to the extent that the Office of Attorney General may be conflicted out of representing USM institutions if it is actively representing MOSH in pursuing civil penalty claims. Both the fines themselves and the resulting litigation costs would divert taxpayer resources that are more appropriately focused on investing resources in workplace safety.

The USM takes the safety and health of its employees seriously. USM institutions already have robust health and safety programs and protocols in place. Much of the proposed legislation duplicates safety and health enforcement already conducted by MOSH and significantly increases reporting requirements and external inspections. Implementation of modified health and safety requirements, while some are redundant, will require additional staff support and enhancements to tracking software/programs across all USM institutions to implement additional reporting requirements and increased inspections.

The USM knows you're well aware of the current budget climate as we all are. The recently proposed reductions to our budget of 5% amount to \$111 million. This is in addition to last year's cut and another mid-year cut to the FY25 budget which leaves the USM down over \$180 million cumulatively in FY25 and FY26. The increased staffing and other resources that would be required to support the additional reporting requirements and increased inspections would be challenging for our institutions in these uncertain times.

Thank you again for the opportunity to offer these comments on House Bill 176. We look forward to an opportunity to work with the sponsor to address these concerns.



HB 176 - MML - INFO.pdf

Uploaded by: Bill Jorch

Position: INFO



Maryland Municipal League
The Association of Maryland's Cities and Towns

TESTIMONY

March 25, 2025

Committee: Senate Finance Committee

Bill: HB 176 - Davis Martinez Public Employee Safety and Health Act

Position: Informational

Reason for Position:

The Maryland Municipal League (MML) respectfully submits informational testimony on House Bill 176, which addresses several aspects of workplace safety, something municipal governments take very seriously. The amendments adopted by the House of Delegates addressed all MML's concerns and as such the League formally dropped our opposition to the bill. Our formal request is that this committee retain all amendments in HB 176.

The most impactful amendments to municipal governments include the following:

1. **Removing the definition of "fieldwork location" on page 6, lines 25-30, and removing references to "fieldwork locations" throughout the bill.**
 - a. Municipal governments have employees working at various off-site premises that would fall under the definition of "fieldwork location," such as parks and recreation, refuse collection, public safety, and code enforcement. These locations are often difficult to monitor and the nature of the location can be impacted by factors outside the government's control.
2. **Altering the requirement for municipal governments to provide certain documents to employees via email to instead make them available, on page 10, lines 20-21 and page 16, lines 32-33.**
 - a. There are several municipalities that do not have employer-issued email addresses for all employees which would make compliance difficult. In addition, employees are familiar with finding information on workplace safety posted in highly visible locations in the workplace as opposed to via email.
3. **Deleting the requirement of municipal governments to report on the number and nature of workplace injuries and deaths on page 18, line 12-20.**
 - a. While important, these are redundant to requirements already in place with Maryland Occupational Safety and Health (MOSH) and could lead to confusion or noncompliance.
4. **Removing the heightened penalties for public officials on page 19, lines 1-10.**
 - a. While it is a serious problem to knowingly make a false representation about the safety aspects of a workplace, a practice that is already prohibited with penalties for non-compliance, the heightened penalty provisions for public officials are harsh and unnecessary.

For these reasons, the Maryland Municipal League respectfully submits informational testimony and requests this committee keep all amendments in House Bill 176. For more information, please contact Bill Jorch, Director, Public Policy and Research at billj@mdmunicipal.org. Thank you in advance for your consideration.

HB0176-FIN_MACo_LOI.pdf

Uploaded by: Karrington Anderson

Position: INFO



House Bill 176

Davis Martinez Public Employee Safety and Health Act

MACo Position: **LETTER OF
INFORMATION**

To: Finance Committee

Date: March 25, 2025

From: Karrington Anderson

The Maryland Association of Counties (MACo) offers a **Letter of Information** on HB 176.

Counties greatly appreciate the sponsor's work in addressing county concerns. This bill establishes the Public Employees' Safety and Health Unit in the Division of Labor and Industry to administer and enforce certain duties regarding the oversight of certain public bodies, including local governments. HB 176, as amended, also requires the Correctional Training Commission to adopt regulations for the training, issuance, and use of body-worn cameras. This bill extends the current requirements for body-worn camera programs to a local detention center in the event they adopt a body-worn camera program. Importantly, it clarifies that local correctional facilities are not required to adopt body-worn cameras.

The bill, as amended, remedies county concerns by addressing provisions that were too prescriptive and duplicative. **Additionally, the House version removes excessive penalty sections from the bill.** Counties sought provisions to provide flexibility in how local governments communicate workplace safety information to employees. By making citations and reports available to all employees, local governments can ensure all employees are informed without imposing unnecessary fiscal and administrative burdens. This approach balances compliance with workplace safety requirements and practical implementation for local governments.

Counties recognize and broadly support the intent of HB 176. This bill represents a meaningful step toward safer workplaces for public employees – a cause counties wholeheartedly support. By refining the bill to address practical implementation concerns, its goals have been achieved without creating undue financial or administrative burdens on local governments. Counties respectfully urge the Committee to maintain the House version of HB 176, as it thoughtfully balances workplace safety goals with practical implementation for local governments.