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DEPUTY SPEAKER PRO TEM

Appropriations Committee

Subcommittees

Chair, Oversight Committee
on Personnel

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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

**HB 176 - Davis Martinez Public Employee Safety and Health Act
House Appropriations Committee - February 18, 2025**

Chair Barnes, Vice Chair Chang, and Colleagues,

It is honor to present House Bill 176, the Davis Martinez Public Employee Safety and Health Act. Public employees deliver critical and essential services to the residents of Maryland every single day. These Marylanders keep our communities safe, they provide for safety in our correctional facilities, they ensure our public facilities and roads are well maintained and in good repair, deliver essential behavioral and mental health services to our neediest residents, educate our children, and so much more. We know our communities could not function without the tireless, dedicated service of our public employees. Yet, far too often, and for too long, our public employees have been subjected to unsafe working conditions that place their physical safety and well-being at risk.

This legislation is named in honor of Davis Martinez, a young man only 33 years old, who leaves behind a family, friends, and many caring colleagues. Davis Martinez served as a Parole and Probation Agent, with the Department of Public Safety and Correctional Services, and was assigned to the Montgomery County field office in Silver Spring. On the morning of May 31, 2024, Agent Martinez left his field office to conduct a home visit check on a parolee and was tragically murdered by that parolee during the home visit check.

Sadly, though, Agent Martinez's death is not an isolated incident of a public employee who lost their life this past year. In August and November of 2024, two sanitation workers with the Baltimore City Department of Public Works, Ronald Silver II and Timothy Cartwell lost their lives while on the job.

The status quo is not serving the safety and health of our state's dedicated public servants. We must step up to act, we should do more, and we can do more.

The Davis Martinez Public Employee Safety and Health Act will deliver much needed reform for our public employees' safety and health. The bill will:

1. Establish a Public Employee Safety and Health Unit within the Maryland Occupational Safety and Health (MOSH) administration to administer and enforce our state's occupational safety and health laws in the public sector;

2. Hold public employers accountable by subjecting them to penalties for violations of our state's workplace safety law; and
3. Require the Maryland Occupational Safety and Health administration to establish a workplace violence prevention standard on or before October 1, 2026.

With these reforms, we as a body will commit ourselves and every public employer in this state to refocusing our efforts on providing safe and healthy workplaces for our dedicated public servants. I do want to note we have worked with the Maryland Department of Labor as well as the Maryland Association of Counties on amendments to the bill to improve aspects of implementation. The amendments before you make the following changes:

- Eliminate the position of “Assistant Commissioner for Public Employees’ Safety and Health” and strike all references in the bill. With this amendment, the Commissioner of Labor will retain authority and oversight of the newly established Public Employee Safety and Health Unit, rather than creating a new position to oversee that unit.
- Removes the definition of “Fieldwork Location” and makes conforming technical changes. Similarly, the amendments strike the bill language that amends the definition of “Place of Employment.” MOSH has made clear that they already possess the authority to conduct inspections in these areas, and therefore, the language is duplicative and unnecessary.
- Establishes more administrative flexibility to public employers in notifying affected employees of citations issued by MOSH in their workplace by striking the requirement that employers must notify employees through email with a copy of the citation. Not all public employees are provided a work email account, so the amendment requires citation notice posting requirements that mirror the existing requirements in COMAR.
- Strikes added language regarding the prioritization of inspections that MOSH must follow due to an existing method for prioritization of workplace inspections.
- Strikes language regarding the Commissioner’s ability to accompany an employee during an inspection. MOSH has informed us the agency already possesses this authority.
- Finally, the record keeping requirements in the bill are amended to remove the requirement that the records submitted by public employers to MOSH are transmitted on a quarterly basis. MOSH has communicated that the system utilized for the submission of injury and illness records are operated and maintained by federal OSHA. The portal for the submission of injury and illness records is open from January through March 2nd of each year, and MOSH does not have the ability to open this portal on a quarterly basis, therefore this amendment strikes that requirement.

No public worker should leave home ever wondering whether they’ll return home safe. Let’s honor the memory of Agent Martinez and ensure no one else faces the same dangers. I urge a favorable report on HB 176.