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Patrick Moran – President

**SB 26 – Labor and Employment – Occupational Safety and Health –
Revisions (Davis Martinez Public Employee Safety and Health Act)
Finance Committee
January 29, 2025**

FAVORABLE

AFSCME Maryland Council 3 strongly supports Senate Bill 26. AFSCME Maryland Council 3 represents approximately 45,000 public service workers across the state of Maryland including state, county, and municipal employees. Senate bill 26, 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. We want to thank Senator Kramer for sponsoring this legislation, which our union believes 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

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.

per 100 full-time workers.³ Rates of workplace violence against public employees is even more 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 hazards they face in their work and will honor the legacy of our fall union brothers by doing so.

We strongly urge the committee to issue a favorable report of Senate Bill 26.

³ *Id.*

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.

