

Testimony in support of :
Labor and SB 26 Employment – Occupational Safety and Health
Davis Martinez Public Employee Safety and Health Act

Darryl Alexander (Fav)
7600 Glenside Drive
Takoma Park, MD 20912
Email: darrylalex@gmail.com
Phone: 202-549-5356

Thank you for the opportunity to testify in support of the Davis Martinez Public Employee Safety and Health Act. I am the retired director of safety and health for the American Federation of Teachers. For nearly 30 years, I investigated our members' exposure to violence as well as other work-related hazards in a variety of public institutions including public schools, healthcare facilities and public body agencies (social services, psychiatric hospitals, parole and probation offices etc.) here in Maryland and throughout the country. I had the privilege of working with researchers, our leaders and members to document the impact of exposure to violence and hazardous conditions on their health and well-being.

In the arena of work-related violence, this work led to significant policy changes in school districts; successful collective bargaining language; a New York public employee state plan comprehensive workplace violence prevention standard and a petition for a federal workplace violence prevention standard for healthcare and social services among other local and state initiatives. I've included representative (but not exhaustive) citations at the end of my testimony for your review and use.

I can say categorically that the state plan OSHA approach has been the most successful in reducing injuries and illnesses associated with workplace violence in public institutions and entities. For instance, the workplace violence standards in New York State and California mandate:

- Routine assessment and inspection of the workplace for conditions that expose workers to violence
- **Involvement of workers in the assessment of threats and conditions that expose workers to violence**

- A written workplace violence prevention plan that specifies protective measures, methods, equipment and protocols that will reduce exposures to workplace violence identified in the assessment and inspection
- Investigation of any incidents
- Training of employees on the workplace violence prevention plan; training that encourages workers to report threats and incidents
- Record-keeping of incidents, near misses, assaults
- Routine evaluation (preferably annually) of the written workplace violence prevention plan

In a perfect world, a comprehensive workplace violence prevention standard would be enough to completely eliminate this hazard. However, the downside of this approach is that public employers when cited for violating a standard can skirt abatement of work-related violence hazard and any other exposures because the state plan OSHA cannot press a cited public body with appropriate sanctions – especially monetary penalties. Many public bodies including many here in Maryland ignore or stall abatement when cited by Maryland Occupational Safety and Health (MOSH). Public employers not only are slow to abate; they often do not maintain accurate records such as logs of occupational injuries and illnesses in their offices and departments.

This bill will be a significant step towards holding public employers accountable by establishing a MOSH public body program. Public employees have been treated as second class citizens for too long. The new program can help in identifying and responding in a timely manner to unique and/or other troubling hazards found in public employment such as work-related violence. This is an opportunity to design special consultation services, training for public employers and significant improvement of data collection and record-keeping. With active monitoring, public bodies will be compelled to report their logs of work-related injuries and illnesses as well as their self-inspection reports. MOSH will be able to respond in a timely manner – not when a worker is killed or maimed.

In Maryland, our current occupational health and safety law, standards and regulations have been enacted based on a preventative and proactive approach to protecting workers from undue harm. Public sector workers by law are entitled to a safe and healthful workplace. Yet they are treated as “second class citizens” under the current MOSH law. In my experience, to achieve that goal, the proposed MOSH public body program should not only impose monetary penalties on public sector employers that don’t abate exposure to hazards when cited but also require more worker involvement in key workplace programs and worker access to program reports

To that end, I recommend the following minor amendments (in bold italics) to the current bill:

- Title 5-102 (b)(17) – Making Workplace of Public Bodies Safer and More Healthful by requiring
 - (1) Public bodies to create or improve programs related to workplace violence ***“that are written and available to employees and their representatives upon request”***
 - (2) That workplaces of public bodies be inspected regularly ***“with employee involvement and input to the extent possible”***
- Title 5-104 (b)
 - (1) Each employer shall keep its employees informed of their protections and duties under this title including each applicable occupational safety and health standard ***and employee access to employer occupational safety and health programs and self-inspection reports***, by:
 - (I) Posting notice where notices to employees normally are posted.
 - (II) Using other appropriate means
 - (III) Providing copies of written programs and self-inspection reports upon the request of employees and employee representatives.***
- Title 5-206
 - (E) The program under this section shall:
 - (2) require that each public body to:
 - (iii) keep and make available to the Assistant Commissioner each record that the Commissioner requires under this title for development of information about occupational accidents, illnesses and injuries ***including submission of logs of injuries and illnesses*** to allow proper evaluation and necessary corrective action;
- Title 5-208 (F)(2) The Report Under Paragraph (1) of this Subsection shall include:
 - (1) the summary of the work and findings of the unit ***including rates of occupational safety and health injury and illness in the public sector***

I also recommend that the penalty section include language in an OSHA framework so that public sector employers face the same penalties as private sector employers. Some egregious Maryland public sector employers are repeat offenders in violating standards and regulations, and MOSH often repeats inspections to find new violations of the same

standard. Please consider penalties that are aligned with “serious”, “repeat” and “willful” citations.

Thank you for the opportunity to testify in support of this bill. It will be an important step in guaranteeing every public employee a safe and healthful workplace and ultimately reduce not only preventable injuries and illnesses but the economic, social and emotional costs associated with worker injury in Maryland public bodies. One important way this bill can be strengthened is adding requirements for employee involvement in self inspections and programs as well as employee and employee representative access to all programs and reports.

*For your consideration here are representative studies and state plan workplace violence prevention standards that highlight workplace violence in schools, healthcare and social service settings:

Schools:

Casteel C, Peek-Asa C, Limbos MA. Predictors of nonfatal assault injury to public school teachers in Los Angeles City. *Am J Ind Med.* 2007 Dec;50(12):932-9. doi: 10.1002/ajim.20520. PMID: 17979131.

Landsbergis P, Zoeckler J, Kashem Z, Rivera B, Alexander D, Bahruth A. Organizational Policies and Programs to Reduce Job Stress and Risk of Workplace Violence Among K-12 Education Staff. *New Solut.* 2018 Feb;27(4):559-580. doi: 10.1177/1048291117739420. Epub 2017 Nov 10. PMID: 291250

Schofield KE, Ryan AD, Stroinski C. Student-inflicted injuries to staff in schools: comparing risk between educators and non-educators. *Inj Prev.* 2019 Apr;25(2):116-122. doi: 10.1136/injuryprev-2017-042472. Epub 2017 Oct 27. PMID: 29079578; PMCID: PMC6580785. Schofield KE, Ryan AD, Stroinski C. Student-inflicted injuries to staff in schools: comparing risk between educators and non-educators. *Inj Prev.* 2019 Apr;25(2):116-122. doi: 10.1136/injuryprev-2017-042472. Epub 2017 Oct 27. PMID: 29079578; PMCID: PMC6580785.

Streit JMK, Naber SJ, Pavisic IC, Howald NR. Investigating Physical Violence Against Classroom and Other School Personnel Using Ohio Workers' Compensation Data: 2001-2012. *Occup Health Sci.* 2020 May 11;4:43-62. doi: 10.1007/s41542-020-00057-2. PMID: 34549081; PMCID: PMC8451063.

Tiesman H, Konda S, Hendricks S, Mercer D, Amandus H. Workplace violence among Pennsylvania education workers: differences among occupations. *J Safety Res.* 2013 Feb;44:65-71. doi: 10.1016/j.jsr.2012.09.006. Epub 2012 Nov 20. PMID: 23398707; PMCID: PMC4570475.

Wei C, Gerberich SG, Alexander BH, Ryan AD, Nachreiner NM, Mongin SJ. Work-related violence against educators in Minnesota: rates and risks based on hours exposed. *J Safety Res.* 2013 Feb;44:73-85. doi: 10.1016/j.jsr.2012.12.005. Epub 2013 Jan 8. PMID: 23398708.

Wilson CM, Douglas KS, Lyon DR. Violence against teachers: prevalence and consequences. *J Interpers Violence.* 2011 Aug;26(12):2353-71. doi: 10.1177/0886260510383027. Epub 2010 Oct 1. PMID: 20889535.

State Plan OSHA Workplace Violence Standards

- California: [Cal/OSHA Workplace Violence Prevention Guidance and Resources](https://www.dir.ca.gov/dosh/workplace-violence.html)
- New York: <https://dol.ny.gov/system/files/documents/2024/01/p19-wvpa-1-24.pdf>