

1.27.25 C. Vick Testimony SB26_FAV.pdf

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Position: FAV

**Senate Bill 26 – Labor and Employment – Occupational Safety and Health –
Revisions (Davis Martinez Public Employee Safety and Health Act)
Finance Committee
January 29, 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 coworkers 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 Senate Bill 26.

SB26 AFSCME Council 3 Testimony_FAV.pdf

Uploaded by: Christian Gobel

Position: FAV



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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.



SEIU Local 500 Testimony in Support of SB 26.pdf

Uploaded by: Christopher Cano

Position: FAV



Testimony - SB 27, Labor and Employment -Occupational Safety and Health- Revisions
(Davis Martinez Public Employee Safety and Health Act)

Favorable

Senate Finance Committee

January 29, 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 Senate Bill 26, 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 SB 26, 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 Senate to support SB 26, and we thank Senator Kramer for her 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

Senate Bill 26 - Davis Martinez Act - Testimony.pdf

Uploaded by: Courtney Jenkins

Position: FAV



METROPOLITAN BALTIMORE COUNCIL

AFL-CIO Unions

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

FAVORABLE

Chairwoman and members of the Finance Committee, thank you for the opportunity to present testimony in support of **SB26- Labor and Employment - Occupational Safety & Health - Revisions (Davis Martinez Public Employee Safety and Health Act)**. My name is Courtney Jenkins, President of the Metropolitan Baltimore Council AFL-CIO—our central labor council represents over 100 affiliated local unions and close to 80,000 proud union members in Anne Arundel, Baltimore, Carroll, Cecil, Harford, and Howard counties; and Baltimore City.

For far too long, workers like our dedicated public employees have had to work in conditions that are both unsafe and unhealthy. Many times, the incidents and conditions that create unsafe workplaces are foreseeable and preventable. Each year, hundreds of thousands of workers are killed and millions more suffer injury or illness because of their jobs. In 2022, 80 workers died on the job in Maryland, with 22 of those tragic deaths being attributable to an assault or other act of violence.¹

We have recently mourned the loss of hardworking public employees at both the state and local level, including our late brother Davis Martinez of the Department of Parole & Probation and Baltimore City Department of Public Works brothers Ronald Silver II and Timothy Cartwell. These incidents and tragedies not only have a direct impact on the individual(s) harmed, but it also has indirect impacts on coworkers, the community, and families. The impact of workplace hazards is extensive: Workers and their families pay with their lives and livelihoods. Workplace injuries and illnesses shift costs from employers to workers and can limit working people's opportunities and quality of life for decades.

The Davis Martinez Public Employee Safety and Health Act ensures that our dedicated public employees can leave home for their shifts each day with the expectation that they are able to return home safely to their families. This important legislation also provides guidance and sets a standard for Maryland's municipalities and counties, allowing the state to be a leader in the development of good job policy.

¹ *AFL-CIO Death on the Job: Toll of Neglect 2024 Report*



METROPOLITAN BALTIMORE COUNCIL

AFL-CIO Unions

The act accomplishes our shared goals in a multitude of ways including the establishment of 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.

This component holds the employer accountable to standards and laws that are designed to reinforce the workplace safety is and should always be the top priority of the employer.

SB 26 also requires public employers to keep an accurate record of work-related deaths, injuries, and illnesses and submit this data to the Commissioner of Labor on a quarterly basis. A data driven approach enables employers and workers the ability to analyze trends and other data sets to help mitigate incidents and improve safety standards in the workplace.

Unions are fighting for good and safe jobs for everyone. Winning strong standards in the halls of government raises the standards of practice on the shop floor. We are committed to protecting and making real our fundamental right to a safe job and must advocate for a strong, inclusive workplace safety agenda to ensure all people have the opportunity for a better life.

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

Respectfully submitted,

Courtney L. Jenkins, President

BTU Testimony Senate Bill 26.docx.pdf

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Position: FAV



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

FAVORABLE

The Baltimore Teachers Union represents over 9,000 employees of Baltimore City Public Schools, including teachers, paraprofessionals, school secretaries, counselors, librarians, clinicians, transportation aides, and school support staff. Our members are on the frontlines of public education everyday, and strive to educate, support and develop Baltimore City’s young people. Baltimore’s educators encounter some of the most challenging work environments in the state, and workplace threats to safety are a major concern of our members that affects job performance, retention, and student success, as our working conditions are students’ learning conditions. The Baltimore Teachers Union is writing in strong support of SB 26 and we request that the committee issue a favorable report.

Across Baltimore City Schools, our members encounter daily occupational and safety challenges, including mold, poor ventilation, unsafe temperatures, pests, broken windows, doors that do not lock, and unlit parking lots. In winter weather, staff frequently fall in icy parking lots. We need comprehensive plans that prevent student violence and allow educators to safely respond and keep children safe when students are hitting, kicking, biting, or destroying classrooms. Our members also report a lack of clarity and consistent safety plans for instances when students or members of the public bring weapons onto school grounds. The environmental and physical challenges educators confront don’t just affect us - our students experience these unsafe conditions as well. While we work diligently to negotiate safer conditions for staff and students, we recognize that more strategies are needed to ensure that educators and students have the safe and secure environments that allow learning to flourish.

Workplace injuries are all too common in our school system, and every week BTU members report via incident reports and clinic visits the threats to their safety. At times, it’s unclear to employees the safety procedures and processes that are in place; many schools have different procedures, resources, and training on preventing and responding to safety concerns. Clear, consistent workplace safety standards would improve employee safety and retention, and would reduce disruptions to learning. We believe that our employer should work collaboratively with employees to identify and mitigate safety risks, and that there should be clear reporting systems that gather data for continuous improvement. Employees and employers can work together to help create safer workplaces for public employees, and in education especially, safer workplaces for adults mean safer environments for students and their families.

The Baltimore Teachers Union urges the committee to issue a favorable report of Senate Bill 26.

Testimony in support of SB 26.pdf

Uploaded by: Darryl Alexander

Position: FAV

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

Darryl Alexander (Fav)
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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 with a designated Assistant Commissioner. The new assistant commissioner will be able to implement a program that responds to title (5-102 (b) (1)-(8). This new focus may help in identifying and responding 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. We state that workers are entitled to a safe and healthful workplace. In my experience, to achieve that goal, the proposed MOSH public body program should not only penalize public 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. Some egregious Maryland public 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” violations.

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. The only 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>

Testimony revised in support of SB 26.pdf

Uploaded by: Darryl Alexander

Position: FAV

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

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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

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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.

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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>

1.27.25 D. Akindoyo Testimony SB26_FAV.pdf

Uploaded by: Delonya Akindoyo

Position: FAV

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

FAVORABLE

Dear Members of the Senate 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 Senate Bill 26, 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. Senate Bill 26 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 Senate Bill 26.

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

1.27.25 D.Jones Testimony SB26_FAV.pdf

Uploaded by: Demetrius Jones

Position: FAV

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

FAVORABLE

My name is Demetrius Jones, I have worked as a permit specialist/engineering technician for 10 1/2 years with the Department of Permitting, Inspections & Enforcement/Prince George's County Government. I am a proud member of AFSCME Local 2462. I strongly support this legislation and ask for your support.

Workplace safety should be a priority to all, protecting workers and allowing work to be done safely. Our workplace problems at 9400 Peppercorn Place, Largo, MD, include workers getting trapped in elevators, so much so that the fire department had to shut one of the elevators down completely, which has been shut down for approximately the last 2 years. Water main/pipes bursting, which floods the 1st floor and causes total evacuation of the building, recently on one of the coldest days of the year. Strange fumes flowed through the building, causing some workers to leave due to headaches. These are recurring safety issues at this building.

I support this bill because it will improve workplace safety and health conditions and ensure that workers perform their duties in an environment conducive to providing excellent customer service to the residents and businesses of Prince George's County.

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

SB 26 - Occupational Safety and Health.pdf

Uploaded by: Denise Riley

Position: FAV



A Union of Professionals
AFT-Maryland

5800 Metro Drive, Suite 100 • Baltimore, MD 21215-3226
410/764-3030 • fax: 410/764-3008
md.aft.org

Kenya Campbell
PRESIDENT

LaBrina Hopkins
SECRETARY-TREASURER

**Written Testimony for the Maryland Senate Finance Committee
SB 26 - Labor and Employment – Occupational Safety and Health – Revisions
(Davis Martinez Public Employee Safety and Health Act)
January 29, 2025**

SUPPORT

Chair Beidle and members of the committee, on behalf of the American Federation of Teachers – Maryland, which represents thousands of public employees across the state, we support SB 26 because it will provide long-overdue protections to public employees by addressing critical gaps in workplace safety and it will help ensure that public bodies are held to the same safety and health standards as private employers.

By modernizing Maryland’s Occupational Safety and Health Act, SB 26 will ensure oversight and enforcement for workplace safety in public-sector workplaces. It will institute regular workplace inspections, require public bodies to report violations, and establish penalties for non-compliance.

Moreover, by expanding the definition of “place of employment” to include fieldwork locations and driving routes, this bill acknowledges the evolving nature of work for public employees.

For too long, public employers have been exempt from penalties that hold private-sector employers accountable. This disparity has left many workplace hazards unaddressed and public workers vulnerable.

Public employees are the backbone of our state, providing critical services that sustain our communities, schools, and government functions. SB 26 ensures these workers are afforded the same level of safety and respect as those in the private sector.

AFT-MD respectfully urges a favorable report on Senate Bill 26 to help create safer workplaces for Maryland’s public employees. Thank you for your consideration of this important legislation.

Senate Bill 26 testimony.docx.pdf

Uploaded by: Diana Desierto

Position: FAV

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

FAVORABLE

My name is Diana Desierto, I have worked as a speech language pathologist for 17 years with the Baltimore City Public School, and I am a proud member of Baltimore Teacher Union local 340. I am writing in strong support of this legislation and asking for your support of this bill.

I am writing to strongly support Senate Bill 26, as it directly addresses a critical issue that has affected my school community for far too long: the persistent presence of mold. As a staff member, I have witnessed firsthand the negative impact that mold in our school buildings has had on the health of both students and colleagues. Over the past several years of arguing with my administration over the mold in my school office, they have told me over and over that facilities visited, analyzed the leak and determined that this concern may be reoccurring and not a short-term fix. Due to potential concerns for both mine and the student's well-being resulting from the water issue, I was asked to move my room. It has been such an inconvenience since there are literally no other rooms that I have ended up sharing space with colleagues.

The mold growth within our school environment is not just a minor inconvenience; it is a serious health hazard. Many of my colleagues experience respiratory issues due to illnesses directly related to mold exposure, and often find it hard to focus or perform to the best of our abilities because of constant physical discomfort. The lack of proper ventilation and the ongoing presence of mold spores in classrooms and hallways has created an environment that is neither conducive to learning nor conducive to working in a safe, healthy environment. Why do school systems not think this is a real issue?

This bill is vital for our well-being, as it calls for necessary action to ensure that all school buildings are inspected, remediated, and maintained in a manner that eliminates mold and other hazardous conditions. No student or educator should have to choose between their health and their education or work.

I urge the committee to issue a favorable report of Senate Bill 26 and ensure that all students and staff have access to safe, healthy, and mold-free environments where we can learn and work without fear for our health.

Thank you for your consideration and support.

1.26.25 Dr. J. Lipscomb Testimony SB26_FAV.docx.pd

Uploaded by: jane lipscomb

Position: FAV

Written Testimony in Support of the Labor and Employment - Occupational Safety and Health (Davis Martinez Public Employee Safety and Health Act)

By Dr. Jane Lipscomb, PhD, RN

January 24, 2025

Dear Chairperson Beidle, Senator Kramer (bill sponsor) and members of the Maryland Senate Finance Committee,

Thank you for the opportunity to submit this written testimony in support of this bill. My name is Dr. Jane Lipscomb. I am a public health nurse and epidemiologist. I spent 15 of my 20 years as Professor of Nursing and Medicine at the University of Maryland, Baltimore conducting federally funded research into how to prevent workplace violence in high-risk settings. In addition, I have consulted with numerous state and federal agencies on how to advance workplace violence prevention, specifically, the U.S. Veterans Health Administration (VHA), the National Institute for Occupational Safety and Health (NIOSH), the Occupational Safety and Health Administration (OSHA), and the University of West Indies in Kingston, Jamaica. In each of these projects, I have worked closely with multiple stakeholders to develop, implement, and evaluate workplace violence prevention programs. In 2012, I provided consultation to the Maryland Department of Health and Mental Hygiene (DHMH) that operates freestanding behavioral health facilities for acute, intermediate and long-term care across the state. The purpose of my consultation was to improve the existing staff training in workplace violence prevention, as part of a comprehensive effort to improve staff and patient/resident well-being and safety.

I have also conducted workplace violence site visits and environmental surveys in four large New York State (NYS) in-patient psychiatric centers, as well as 13

NYS residential alcohol and substance abuse treatment facilities (Lipscomb et al., 2006, 2012, McPhaul et al., 2008). I have published more than twenty peer-reviewed papers and book chapters on the topic. In 2015, I authored a book that was published by the American Nurses Association (ANA) on workplace violence prevention entitled “Not Part of the Job: How to Take a Stand Against Violence in the Work Setting” (Lipscomb & London, 2015). I have testified before state legislatures in NY and MD considering workplace violence legislation, as well as before the U.S. House of Representatives Subcommittee on Workforce Protections.

In the course of this work, I have come in contact with families of workers, who were murdered by clients in their care. One of these public sector workers was Judie Scanlon, an RN/intensive case manager who in 1998, was killed by a client while conducting a home visit in Buffalo NY. Her death was an impetus for this focus during my research career.

In 2006, in part related to findings from this research, New York State enacted legislation requiring public employers to develop and implement programs to prevent and minimize workplace violence and help ensure the safety of public employees. This legislation, as well all health and safety legislation that covers NYS Public Employees is regulated by the Public Employee Safety and Health Bureau (PESH), created in 1980 to enforces safety and health standards promulgated under the United States Occupational Safety and Health Act ([OSHA](#)) and several state standards. The [Public Employee Safety and Health \(PESH\) Act](#) created this unit to give occupational safety and health protection to all NYS public sector employees.

Before describing the need for and prevention measures to prevent workplace violence, I will begin by defining workplace in the public sector workplace.

Workplace violence is any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment, including, but not limited to:

- An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
- Any intentional display of force which would give an employee reason to fear or expect bodily harm;
- Intentional and wrongful physical contact with a person without his or her consent that entails some injury; or
- Stalking an employee with the interest in causing fear of physical harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

Today, workplace violence is one of the most dangerous occupational hazards facing public health employees, especially those who work in the health care, social service, and corrections (including parole); in both the institutional and community settings. However, most public sector employees who work directly with the public, experience verbal threats, and in some cases physical threats, in the course of their work, as such this bill must cover all all MD public employees.

The lack of attention to the prevalence and severity of workers' injuries, is in part due to the failure to recognize workplace violence as a public health problem amenable to an occupational health approach to prevention. In addition, the view that working with individuals with cognitive impairment, mental illness or a tendency towards violent acts "is part of the job" is all too common (Lipscomb & Rosenstock, 1997, Lipscomb & London, 2015). I would like to highlight that although these individuals may not "intend" to assault a state employee, an employee is still injured (often both physically and emotionally) and in the case of Mr. Davis Martinez, murdered while he was conducting a routine house visit as part of his job as a parole and probation agent when he was killed by a parolee.

Based on my research and experience, workplace violence prevention plans, tailored to the specific risk, workplace and employee population, work. In addition, deep employee involvement in the form of Workplace Safety Committees, in my opinion and experience, is the only way to successfully address the risk.

This legislation establishing 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; altering the Maryland Occupational Safety and Health Act as it applies to certain public bodies; establishing and applying certain civil and criminal penalties to public bodies and persons in government; etc. will provide the structure and guidance to engage employers and employees in developing and implementing measures to prevent workplace violence in MD public sector workplaces.

Evidence that workplace violence prevention plans are feasible and work includes research from Wayne State University, the Veteran Health Administration, numerous other researchers, as well as my own.

As I stated earlier in my testimony, my research career has focused on how to prevent workplace violence in high-risk work settings. Specifically, my federally funded research focused on the feasibility and impact of OSHA's voluntary Guidelines to prevent workplace violence in NYS public sector health care and social assistance workplaces. Additionally, one of these research projects addressed public employees across all State Agencies. The first of these studies, published in 2006, described a non-experimental intervention study focused on three state-run in-patient psychiatric hospitals in New York State. Findings from this peer-reviewed publication provide evidence for the feasibility and positive impact of a comprehensive violence prevention program in the in-patient mental health workplace (Lipscomb, 2006).

More recently, evidence from a randomized, controlled intervention study (the “gold standard” in research methods), published in 2017 demonstrates that a data-driven, worksite-based intervention based on the OSHA Guidelines was effective in decreasing the risk of patient-to-worker violence-related injuries by 60%, 24 months following the intervention (Arnetz, 2017).

In addition to research examining the risk factors for workplace violence in high-risk settings and research demonstrating the effectiveness of workplace violence prevention programs, there is ample research showing that workers feel more confident and prepared to address violence in the workplace where a workplace violence prevention program exists.

As stated above, workplace violence prevention plans, tailored to the specific risk, workplace and employee population, work. By contrast voluntary guidelines, such as those that were first published by OSHA in 1996, do not protect the vast majority of employees, because of the lack of incentive for their employers to act voluntarily to address this hazard. I can attest to that fact because the vast majority of workers, I have spoken with, report that they do not have a workplace violence prevention plan or that they have a “paper plan” that does little to nothing to protect them from the ongoing risk of violence.

I believe that the proposed bill will provide the structure and guidance needed to protect and benefit MD public employers, their employees and the public. Evidence of the prevalence of the problem and the inadequacy of current voluntary measures in the health care sector are clearly delineated in the 2016 GAO study and report.

Finally, I would like to address workplace violence protection afforded by MOSH’s General Duty Clause. Currently, it is the only tool employees have for advancing workplace violence prevention in their workplace, when their employer has failed to address the problem voluntarily. The GDC is a cumbersome and ineffective means of seeking protection. Currently, the few workers who have risked filing a

complaint have to wait years before OSHA is able to mandate common sense changes to a workplace. The GDC requires a very high burden of proof that the “employer did not furnish to each of its employees a workplace that is free from recognized hazards that are causing or likely to cause death or serious physical harm.” In a number of recent and current cases where OSHA cited an employer under the GDC, the employer has contested the citation, requiring the DOL and the company to expend resources fighting the citation rather than investing in preventing the hazard. I know this first hand, as I have served as a DOL expert in nearly a dozen of these cases.

Violence towards public sector employees is finally being recognized as a major public health problem in MD. Fortunately, there is much that can be done to prevent or minimize the hazard and passage of this bill will facilitate such prevention.

Thank you for considering my expert opinion and strong support for the bill.

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Workplace Safety and Health: Additional Efforts Needed to Help Protect Health Care Workers from Workplace Violence. GAO-16-11Published: Mar 17, 2016.

Written Testimony SB 26 – Davis Martinez Public Em

Uploaded by: Matthew Girardi

Position: FAV



Statement of the Amalgamated Transit Union (ATU) Local 689

SB 26– Davis Martinez Public Employee Safety and Health Act
January 27th, 2025

TO: The Honorable Pamela Beidle and Members of the Senate Finance Committee
FROM: Matthew Girardi, Political & Communications Director, ATU Local 689

ATU Local 689 strongly supports SB 26 and urges the Senate Finance Committee to issue a favorable report. This bill is a necessary measure for ensuring the safety of transit workers throughout the state of Maryland.

At Local 689, we represent over 15,000 transit workers and retirees throughout the Washington DC Metro Area performing many skilled transportation crafts for the Washington Metropolitan Area Transit Authority (WMATA), MetroAccess, MTA Commuter Bus, and DC Streetcar among others. Our union helped turn low-wage, exploitative transit jobs into transit careers. We became an engine for the middle-class of this region.

Being transit workers, most of the time, our members do not control who decides to get into their vehicle. Additionally, members work around the clock, meaning that they see individuals of all different abilities, states, moods, and behaviors. Unfortunately, that means that too often, members have been on the frontlines of violent attacks from disturbed riders. In fact, documented attacks on transit workers increased by 121% between 2008 and 2021 per the FTA. However, if a more accurate reporting was made, the Union expects that it would be even higher.

The Federal Transit Administration requires that every major transit systems report safety data to the National Transit Database (NTD). Incidents are broken down into major (i.e. someone required transportation to a hospital) and non-major. Non-major incidents are aggregated and not reported individually. In 2024, the NTD reported the following data for WMATA, MTA, RideOn, & The Bus: 33 assaults on operators (major events - requiring transport to hospital), 62 other major events (e.g. assault on non-operator, assaults on passengers), 191 non-major physical assaults on operators & 204 non-major assaults on other transit workers.

SB 26 requires Maryland OSHA to create or improve programs to actually address workplace violence. It requires real inspections of fieldwork locations, which seems to include vehicles and vehicle routes that our members work on. It even creates a Public Employees' Safety and Health Unit at MDOL. We need action now.

We thank Senator Kramer for leading this necessary measure and plead this committee to issue a favorable report.

SB 26 - Labor and Employment - Occupational Safety

Uploaded by: Michael McMillan

Position: FAV

Amalgamated Transit Union Local 1300

126 W. 25th Street, Baltimore, Maryland 21218
Telephone: 410-889-3566 Facsimile: 410-243-5541
www.atu1300.org

Proudly representing the transit workers of the MTA!



SB 26 - Labor and Employment - Occupational Safety and Health - Revisions (Davis Martinez Public Employee Safety and Health Act)

Favorable

Senate Finance Committee
January 29th, 2025

ATU Local 1300 represents over 3,000 transit workers at the Maryland Transit Administration (MTA). This includes bus operators, bus mechanics, rail operators, rail maintenance workers, and more. Our members keep Maryland moving every day.

Public transit is a public service. Our members work every day to help the riding public get where they need to go. Unfortunately, this public facing role means that our members see people on both the best and worst days of their lives. Our members are routinely attacked, assaulted, spit on, and have urine thrown at them. Despite rising awareness of these issues, policies, procedures, and programs to actually take our members out of harm's way have been few and far between.

The Federal Transit Administration requires that major transit systems report safety data to the National Transit Database (NTD). Incidents are broken down into major (i.e. someone required transportation to a hospital) and non-major. Non-major incidents are aggregated and not reported individually. In 2024, the NTD reported the following data for WMATA, MTA, RideOn, & The Bus: 33 assaults on operators (major events - requiring transport to hospital), 62 other major events (e.g. assault on non-operator, assaults on passengers), 191 non-major physical assaults on operators & 204 non-major assaults on other transit workers. We encourage everyone to read the MTA's 2023 transit worker assault report if they believe that this data represents an aberration.

SB 26 requires Maryland OSHA to create or improve programs to actually address workplace violence. It requires real inspections of fieldwork locations, which seems to include vehicles and vehicle routes that our members work on. It even creates a Public Employees' Safety and Health Unit at MDOL. Only legislative action will help our members get the attention and protections they deserve.

For additional information, we have appended a copy of the Amalgamated Transit Union, our international union, testimony to the Federal Transit Administration on the issue of assaults on transit workers. We urge the committee to issue a favorable report on SB 26. Enough is enough.

June 26, 2023

Via Electronic Filing

Nuria Fernandez
Administrator
U.S. Federal Transportation Administration
1200 New Jersey Avenue SE
Washington, DC 20590

Re: NPRM Concerning Public Transportation Agency Safety Plans, Docket No. FTA-2023-0007

Dear Ms. Fernandez:

This is in response to the FTA's April 26, 2023, Notice of Proposed Rulemaking on Public Transportation Agency Safety Plans. ATU Local 1300 represents employees at the Maryland Transit Administration (MTA) in Baltimore, Maryland. My name is Mike McMillan and I am the local union President/Business Agent. ATU Local 1300 is deeply concerned that these rules will not enable us to resolve the safety issues that we have been facing.

Transit workers in Baltimore have faced increasing violence while on the job over the past few years. On October 8, 2020, MTA bus operator Marcus Parks, Sr. was shot ten times and killed in the 1200 block of East Fayette Street.¹ In January 2021, an MTA Mobility operator, Frankye Duckett, was murdered on the job.² In 2023, MTA Mobility operator Marcus Alsop, Jr. was also killed on the job.³ These stories are well publicized but the public doesn't hear about the rest of the brutal attacks on MTA workers daily. For example, Francine Merritt, an MTA station agent, was struck in the head with a blunt object by a passenger she was helping in a subway station. Francine was in the hospital for months and is going to retire rather than returning to work. Francine's assailant is not banned from riding the MTA subway again. In another incident, an MTA bus operator was stabbed by a drunk passenger at the end of the line.

MTA needs to do more to protect not only bus operators but all transit workers. Initially, MTA did not want to address assault with the PTASP safety committee, rather, they wanted my local to discuss these issues with the MTA police. However, the committee voted to work on assault issues and MTA accepted the committee vote. This shows the importance of having the

¹ <https://www.cbsnews.com/baltimore/news/cameron-silcott-sentenced-mta-bus-driver-killed-marcus-parks/>

² <https://www.stattorney.org/media-center/press-releases/2735-mta-mobility-bus-driver-shooter-pleads-guilty-to-murder>

³ <https://www.cbsnews.com/baltimore/news/absolutely-devastating-new-details-in-murder-of-mta-mobility-bus-driver-in-baltimore/>

NPRM Concerning Public Transportation Agency Safety Plans, Docket No. FTA-2023-0007

June 26, 2023

Page 2 of 3

union voice on the committee. Additionally, if all management votes had been on one side on this issue, without an effective tie-breaking mechanism required by the federal rules, the PTASP committee could have been sidelined on critical operator safety issues.

To address this violence, Local 1300 has raised having more MTA police presence at night. We know that police officers can work overtime and can cover the night shift. MTA has responded that there are funding issues and instead they focus on a police presence during school hours. We are hopeful that funding will come now that transit worker assaults are being reported properly. In addition to a larger police presence, we also want to see bus operators in safer, fully enclosed cabins and to have monitors on buses so that passengers know that they are on camera. A focus on de-escalation training will never be enough to stop assaults and we want to see more concrete action from MTA.

As you know, on May 26, 2021, nine transit workers were killed in a workplace shooting at the Santa Clara Valley Transportation Authority. After this happened, we reached out to the MTA and urged them to create an active shooter program. MTA didn't respond and no action was taken to create an active shooter program. Tragically, an MTA bus operator, Elaine Jackson, was shot and killed in an MTA parking lot last year.⁴ When they heard gunfire in the parking lot, MTA employees did not know what to do because there had been no active shooter training. MTA is now, finally, working on an active shooter program. The PTASP safety committee has conducted site visits and is looking at how to make sure that bus garage facilities have multiple exits. The committee is also looking at adding security cameras to parking lots and a system to have audio announcements if there is an active shooter. We wish that these changes had been implemented earlier.

The PTASP safety committee has been working for several months and a revamped PTASP is being distributed that already includes some of the workforce recommendations. The PTASP safety committee has conducted site visits focusing on maintenance issues as well, like outdated equipment and issues with faulty bus lifts. We are also working on issues that affect workers across the MTA, such as fatigue management.

We are concerned that in the future the PTASP safety committee, which includes voices from rail, shop, bus and union leadership, will be sidelined by the MTA's own safety oversight committee. We need frontline transit workers' issues and voices to be at the forefront. Our experience with the PTASP safety committee so far has shown that when the committee makes decisions democratically by voting and when management commits to taking action in response to those decisions, it's possible for the committee to improve safety in the transit system. However, we can't count on management cooperating with us forever. We need FTA to change the proposed rule so that it clearly requires the committee to make decisions by voting and clearly requires management to implement the committee's recommendations.

⁴ <https://www.wmar2news.com/news/local-news/mdot-mta-employee-gunned-down-in-the-parking-lot-at-work>

NPRM Concerning Public Transportation Agency Safety Plans, Docket No. FTA-2023-0007

June 26, 2023

Page 3 of 3

We also need FTA to change the rule so that it includes ways for FTA to enforce the law requiring management to use the PTASP safety committee to identify safety issues, develop solutions, and monitor the effectiveness of those solutions. This is the only way to preserve workers' voice in safety and keep management from dealing with these issues only via their management-only safety oversight committee.

We urge FTA to take action here so that management continues to respond to our safety concerns.

Sincerely,

/s/ Mike McMillan

President/Business Agent
ATU Local 1300

SB26_MSEA_Lemle_FAV.pdf

Uploaded by: Paul Lemle

Position: FAV

FAVORABLE
Senate Bill 26
Education – Public School Employers and Employees – Revisions
(Davis Martinez Public Employee Safety and Health Act)

Senate Finance Committee
January 29, 2025

Paul Lemle
MSEA President

The Maryland State Education Association strongly supports Senate Bill 26, which would establish urgently needed protections for the safety of public employees, including Maryland's educators. Senate Bill 26 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. Senate Bill 26 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. Senate Bill 26 is a critical part of a holistic approach to protecting our students and educators.

We concur with Senate Bill 26 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 Senate Bill 26.

SB26_SponsorAmendments

Uploaded by: Senator Kramer

Position: FAV



SB0026/633123/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

29 JAN 25
09:17:54

BY: Senator Kramer
(To be offered in the Finance Committee)

AMENDMENTS TO SENATE BILL 26
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 4 down through “purposes;” in line 6; in line 20, strike “2–104(b),”; in the same line, strike “5–202,”; and in the same line, strike “5–208,”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 10 through 18, inclusive.

On page 3, strike beginning with “**(1)**” in line 22 down through “**(F)**” in line 28.

On page 4, in lines 1, 2, and 8, in each instance, strike the brackets; in line 1, strike “**(G)**”; in line 2, strike “**(H) (1)**”; strike in their entirety lines 4 through 7, inclusive; in line 8, strike “**(I)**”; and in line 13, strike “**(J)**” and substitute “**(I)**”.

On page 6, in line 23, strike the colon; strike in their entirety lines 24 and 25; and in line 26, strike “**2.**”.

On page 7, in line 19, strike “**BY E-MAIL**”; in line 21, strike “**ASSISTANT**”; and in line 22, strike “**FOR PUBLIC EMPLOYEES’ SAFETY AND HEALTH**”.

On pages 7 and 8, strike in their entirety the lines beginning with line 26 on page 7 through line 10 on page 8, inclusive.

On page 8, in line 12, strike “**(1)**”; strike beginning with the first “**THE**” in line 12 down through “**(3)**” in line 16 and substitute a comma; in lines 20 and 21, in each

instance, strike “**ASSISTANT**”; and strike beginning with “, **SUBJECT**” in line 21 down through “**COMMISSIONER,**” in line 22.

On page 9, in lines 2, 3, and 27, in each instance, strike “**ASSISTANT**”; in line 10, strike the colon; strike in their entirety lines 11 through 20, inclusive; and in line 21, strike “**(V)**”.

On pages 10 and 11, strike in their entirety the lines beginning with line 28 on page 10 through line 31 on page 11, inclusive.

On page 12, in lines 16 and 17, in each instance, strike “**ASSISTANT**”; and strike beginning with “**OF**” in line 16 down through “**HEALTH**” in line 17.

On page 13, in line 25, strike “**BY E-MAIL**”.

On page 15, in line 4, strike “**(I)**”; and strike in their entirety lines 7 through 9, inclusive.

SB 26_Baltimore City CP_ Favorable_Final (1).pdf

Uploaded by: Shamoyia Gardiner

Position: FAV



Zeke Cohen

President
Baltimore City Council

400 City Hall • Baltimore, Maryland
21202 410-396-4804 • Fax 410-539-0647

To: Chair Beidle, Vice Chair Hayes, and members of the Senate Finance Committee
Re: Labor and Employment - Occupational Safety and Health - Revisions (Davis Martinez Public Employee Safety and Health Act)
Position: Favorable
Date: January 29, 2025

The Baltimore City Council is a collaborative body dedicated to delivering reliable, equitable, and sustainable results, which enhance the quality of life for all Baltimoreans. Through agency oversight, legislation, fiscal stewardship, and advocacy, we ensure the City gets the ‘basics’ right, while also striving toward long-term, systems-level transformation.

I believe that Senate Bill 26: Labor and Employment - Occupational Safety and Health - Revisions (Davis Martinez Public Employee Safety and Health Act) will further enable the Baltimore City Council to enhance the quality of life for Baltimoreans employed by public entities. The bill will require our state government to lead the way in formalizing worker safety structures and processes in Maryland. Public employers should bear the standard of safe workplaces for others to follow.

Over the last few years in Baltimore City, we have lost two employees of a public agency due to unsafe working conditions. The City Council continues to investigate the circumstances that preceded these deaths, but there is no doubt that the proposed Public Employee Safety and Health Unit (PESHU) would be able to provide a higher level of regulation and enforcement to all public bodies than is presently available.

The bill also marries systemic transparency and accountability with my shared priority of growing the pipeline developing the capacity of our workforce. Leveraging civil penalty revenue to fund the Maryland Apprenticeship and Training Fund is an innovative way for the General Assembly to support access to apprenticeship opportunities. Even further, this provision serves as a model for policymaking that drives progress toward multiple goals.

For all the reasons above, **I urge the committee to issue a favorable report on Senate Bill 26.**

1.27.25 T.Sines Testimony SB26_FAV.pdf

Uploaded by: Tony Sines

Position: FAV

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

1.27.25 W. Smith Testimony SB26_FAV.pdf

Uploaded by: Wendy Smith

Position: FAV

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

SB0026-FIN_MACo_SWA.pdf

Uploaded by: Karrington Anderson

Position: FWA



Senate Bill 26

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

MACo Position: **SUPPORT**

To: Finance Committee

WITH AMENDMENTS

Date: January 29, 2025

From: Karrington Anderson

The Maryland Association of Counties (MACo) **SUPPORTS SB 26 WITH AMENDMENTS**. 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. Counties are concerned that the bill is, in some areas, too specific and duplicative, and offer amendments to remedy those concerns.

Counties request that provisions be added to provide flexibility in how local governments communicate workplace safety information to employees. While emailing reports and citations ensures accessibility for employees with departmental email accounts, not all public employees have such accounts, and setting them up for every employee would result in substantial costs and the use of already strained personnel resources. Local governments can ensure all employees are informed without imposing unnecessary fiscal and administrative burdens by including the alternative option to prominently post citations and reports at or near the location of the alleged violations. This approach balances compliance with workplace safety requirements and practical implementation for local governments.

Existing federal and state regulations under OSHA and MOSH already require public bodies to maintain accurate records of workplace safety information, making this additional requirement under SB 26 redundant. The mandate to submit quarterly reports to the Commissioner would create administrative inefficiencies and increase costs for local governments without providing any added value or benefit to workplace safety. Removing this provision would prevent unnecessary duplication, streamline compliance processes, and reduce administrative strain on local governments.

Counties recognize and broadly support the intent of SB 26. 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 can be achieved without creating undue financial or administrative burdens on local governments. For these reasons, MACo urges the Committee to give SB 26 a **FAVORABLE WITH AMENDMENTS** report (MACo's suggested amendments are on the next page).

MACo Amendments to SB 26:

- Page 7, line 25, after “IF ANY” insert “; OR
(III) SHALL POST SUCH CITATION, OR A COPY THEREOF, UNEDITED, AT OR NEAR EACH PLACE AN ALLEGED VIOLATION REFERRED TO IN THE CITATION OCCURRED, AND SHALL BE KEPT POSTED UNTIL THE VIOLATION IS ABATED OR FOR THREE WORKING DAYS, WHICHEVER IS LONGER; AND SUCH CITATION SHALL BE POSTED, UNEDITED, IN A PROMINENT PLACE WHERE IT WILL BE READILY OBSERVABLE BY ALL AFFECTED EMPLOYEES.”
- Page 13, line 25, after “EMPLOYEES” insert “; OR
(3) SHALL POST SUCH CITATION, OR A COPY THEREOF, UNEDITED, AT OR NEAR EACH PLACE AN ALLEGED VIOLATION REFERRED TO IN THE CITATION OCCURRED, AND SHALL BE KEPT POSTED UNTIL THE VIOLATION IS ABATED OR FOR THREE WORKING DAYS, WHICHEVER IS LONGER; AND SUCH CITATION SHALL BE POSTED, UNEDITED, IN A PROMINENT PLACE WHERE IT WILL BE READILY OBSERVABLE BY ALL AFFECTED EMPLOYEES.”
- Page 15, strike in their entirety lines 4 through 9.

SB 26 - MML - UNF.pdf

Uploaded by: Bill Jorch

Position: UNF



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

TESTIMONY

January 29, 2025

Committee: Senate Finance Committee

Bill: SB 26 - Labor and Employment - Occupational Safety and Health - Revisions (Davis Martinez Public Employee Safety and Health Act)

Position: Unfavorable

Reason for Position:

The Maryland Municipal League (MML) respectfully opposes Senate Bill 26, which imposes several requirements on local governments for their fieldwork locations and institutes penalties for non-compliance. Municipal governments employ about 24,000 people with varying job descriptions, many of whom have fieldwork locations. While MML and its members support strong workplace safety provisions, some of the aspects of this bill are redundant with existing requirements or provide a mandate with which it is difficult to comply.

There are a few provisions that are of particular concern. On page 7, lines 18-25 and on page 13, lines 23-25 require municipal governments to provide certain documents to employees via email. This is problematic both from a compliance and efficacy perspective. 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. This is important information for employees to know, but an amendment to add an option to place these documents at the workplace would make this section more palatable.

On page 15, lines 4-9 are reporting requirements placed on the municipal government employer. These are redundant to requirements already in place with Maryland Occupational Safety and Health (MOSH) and could lead to confusion or noncompliance; these lines could be deleted.

While it is a serious problem to knowingly make a false representation about the safety aspects of a workplace, the penalty provisions on page 15, lines 25-32 and page 16, lines 1-3 are harsh, particularly for an offense that has subjectivity to its premise. MML recommends a reduction in these penalties and establishing a more objective measure to determine noncompliance; such as failure to remedy the cause of a citation.

For these reasons, the Maryland Municipal League respectfully requests an unfavorable report on Senate Bill 26. For more information, please contact Bill Jorch, Director, Public Policy and Research at billj@mdmunicipal.org. Thank you in advance for your consideration.

sb0026_kasuba_UNF.pdf

Uploaded by: Thomas Kasuba

Position: UNF

Please Find **UNFAVORABLE** SB 26
Labor and Employment – Occupational Safety and Health – Revisions
(Davis Martinez Public Employee Safety and Health Act)

I believe that this bill creates an unnecessary expansion of the State workforce with the addition of a high level, and presumable high paid, assistant commissioners role. Having worked for the Federal government for 37 years, I have personally witnessed ever expanding, titled roles such as "Technical Director" and "Assistant Technical Director" to take on the duties that one motivated "Division Chief" could easily handle. Within my experience, such roles are FAR from 40 hour a week duties yet are VERY high paying and leave the workforce in a constant state of bewilderment as to how they actually fill their work hours. This bill is following in the same vein.

Apart from the above mentioned government payroll bloat in a cash strapped state, I ponder if this bill will future enable regulations to further prohibit firearms in workplaces or fieldwork locations. It could affect public employees who are legally licensed to carry firearms thus potentially leading to conflicts with individual rights under the misguided guise of "workplace safety" (of which it would be actually the opposite!) The bill's reference to firearms in the context of violence prevention could be seen as a precedent for stricter firearm-related policies in other contexts also and this should be avoided.

If it is chosen to pursue this expansion of Maryland's budget deficit, I would urge the addition of language to the bill stating that nothing in the legislation is intended to infringe on Second Amendment rights or lawful firearm possession outside current workplace-specific policies.



Thomas J. Kasuba (registered Democrat)
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tomkasubamd@netscape.net
301-688-8543 (day)
January 16, 2025

sb26.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
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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Finance Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 26
Labor and Employment – Occupational Safety and Health –
Revisions (Davis Martinez Public Employee Safety and Health
Act)
DATE: January 23, 2025
(1/29)
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 “unit” in this legislation is problematic as the Judiciary does not have the control, contemplated by the legislation, over its workplace facilities.

cc. Hon. Benjamin Kramer
Judicial Council
Legislative Committee
Kelley O’Connor

SB 26 Davis Martinez Public Employee Safety and He

Uploaded by: Jane Krienke

Position: INFO



Maryland
Hospital Association

**Senate Bill 26- Labor and Employment - Occupational Safety and Health - Revisions
(Davis Martinez Public Employee Safety and Health Act)**

Position: Letter of Information

January 29, 2025

Senate Finance Committee

On behalf of the Maryland Hospital Association's (MHA) member hospitals and health systems, we appreciate the opportunity to provide information on Senate Bill 26.

According to the [Occupational Safety and Health Administration \(OSHA\)](#), workplace violence continues to be a top cause of death in the workplace. OSHA identifies certain job categories, mostly those where an individual is engaging with the public, as being at a higher risk of experiencing workplace violence including nurses, psychiatric evaluators, probation officers, letter carriers, and retail workers. Workplace violence can be a daily occurrence in some work environments like the health care field. The [principal investigator](#) of a recent study that tracked patient aggression in real time said, "staff are confronted with aggressive behaviors practically every time they step foot in the hospital."

SB 26 sends an important message about protecting public employees from dangerous work environments. This legislation also adds a statutory definition of workplace violence. Both are critical to elevate awareness of workplace violence.

Maryland hospitals are committed to raising awareness and preventing workplace violence. This year the Maryland Patient Safety Center, along with the Maryland Health Care Commission and MHA, launched a public awareness campaign called, "[Care Flows Both Ways.](#)" Thanks to state funding from Governor Moore and the Maryland General Assembly, this ad campaign will help raise awareness about challenges health care workers face every day.

As the legislature contemplates how to protect public employees, we encourage the Committee to also consider how to protect employees who are engaging with the public through employment with a private employer. If the state creates a work group or decides to take additional action, on behalf of Maryland's hospitals and health systems, we would like to be included in these efforts.

For more information, please contact:
Jane Krienke, Director, Government Affairs & Policy
Jkrienke@mhaonline.org

2025-01-29 SB 26 - Letter of Concern.pdf

Uploaded by: Tiffany Clark

Position: INFO

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

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Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

ANTHONY G. BROWN
Attorney General

PETER V. BERNS
General Counsel

CHRISTIAN E. BARRERA
Chief Operating Officer

January 29, 2025

TO: The Honorable Pamela Beidle
Chair, Finance Committee

FROM: Tiffany Clark
Chief, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 26– Labor and Employment - Occupational Safety and Health -
Revisions (Davis Martinez Public Employee Safety and Health Act) - **Letter
of Information**

The Office of the Attorney General (OAG) respectfully offers this letter of information to the Committee on Senate Bill 26- Labor and Employment – Occupational Safety and Health Revisions (Davis Martinez Public Employee Safety and Health Act. Senate Bill 26 aims to improve workplace safety for public employees in Maryland by (1) establishing a Public Employees' Safety and Health Unit within the Division of Labor and Industry, (2) requiring the development of specific standards to prevent workplace violence for public employees, (3) holding public employers accountable for ensuring the safety of their employees, and (4) including both civil and criminal penalties for violations. While improving workplace safety for public employees is a laudable goal, the repeal of the exemption of public bodies from civil penalties and the introduction of a new enforcement framework potentially complicates the role of the OAG.

Background on Senate Bill 26 and Representation Issues

Under current law, public bodies are exempt from civil penalties under the Maryland Occupational Safety and Health Act (MOSH Act). *See* Md. Code. Ann. Lab & Empl. (“L&E”) §§ 5-206(d) and 5-801. HB 176 removes this exemption, making public bodies, including state agencies, subject to penalties for safety violations and escalating fines for non-compliance. *See* § 5-206(d) repeal, SB 26; § 5-801 repeal, SB 26; § 5-212(e) SB 26. The bill also grants the

Assistant Commissioner for Public Employees' Safety and Health, represented by the OAG, expanded authority to enforce these penalties against public bodies. *See* § 5-8-11(a)(2), HB 176.

While the current law allows for public bodies to contest citations and be heard on appeal, it is extraordinarily rare for a public body to do this given that public bodies are presently immune from financial penalties. We would expect a deluge of appeals in the event that the Division of Labor and Industry began a more robust inspection and citation process against public bodies coupled with new financial penalties.

Consequently, under the current language of Senate Bill 26 the OAG may find itself representing both the Assistant Commissioner seeking to impose penalties and the cited public body contesting the citation or penalty. As discussed below, this would create a severe conflict of interest.

Constitutional and Statutory Representation Obligations

The OAG's representation of both the Assistant Commissioner and public bodies is mandated by the Maryland Constitution and state law. Maryland Constitution, Article V, Section 3 provides that the Attorney General has the exclusive authority to represent the State unless additional counsel is authorized by the General Assembly. Likewise, under Maryland Code, State Government Article ("SG") § 6-106, the representation of state units and officials is generally reserved for the Attorney General. However, SG § 6-106(b) provides for an exception to the Attorney General's exclusive representation where the General Assembly passes a law providing for general counsel to a unit or official, and SG § 6-106(c) provides that an officer or unit of State government may be represented by other counsel with the approval of the Attorney General under certain enumerated circumstances.

Potential for Conflicts of Interest

The dual representation which would be imposed by Senate Bill 26 creates a clear conflict of interest:

1. **Advocacy Conflict:** The OAG, tasked with advocating for the Assistant Commissioner in enforcement actions, may be unable to simultaneously defend the cited public body effectively without compromising its duty to one party.
2. **Judicial Review and Appeals:** The proposed amendment would encourage public bodies not only to contest penalties at the administrative level, but would also encourage them to seek judicial review under L&E § 5-215(a). In these cases, the OAG would face divided loyalties in advocating for conflicting outcomes.

Legal and Practical Concerns

The proposed framework under Senate Bill 26 introduces the following challenges:

1. **Undermined Fairness and Impartiality:** The OAG's dual representation risks undermining the perceived and actual fairness of enforcement proceedings, particularly if the cited public body argues for leniency or dismissal of penalties.
2. **Reduced Motivation to Appeal:** Knowing that the OAG also represents the enforcement authority, cited public bodies may hesitate to appeal, fearing that their defense will not be fully pursued, potentially eroding trust in the legal process.
3. **Resource Allocation:** Representing both sides would strain the OAG's resources and require robust ethical screens, complicating the resolution of disputes and delaying enforcement or compliance.

The Office of the Attorney General applauds Senate Bill 26 for seeking to improve workplace safety. However, we urge the Committee to carefully consider the concerns outlined above as it deliberates this critical issue.

cc: The Honorable Benjamin Kramer
Members of the Senate Finance Committee