



**TESTIMONY ON
HOUSE BILL 2860 – PUBLIC SECTOR SAFETY DATA**

Presented to the House Labor and Industry Committee
Subcommittee on Workers Compensation and Worker Protection

By
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ABOUT CCAP

The County Commissioners Association of Pennsylvania (CCAP), a non-profit, non-partisan association, advocates as the unifying voice of all 67 Pennsylvania counties and provides leadership and support for excellence in county government.

SUMMARY POINTS

- House Bill 2860 would establish a reporting program for work-related injuries for public sector employees.
- Reporting requirements would be similar to those current required for private sector employees under 29 CFR Pt. 1904, including injury or illness that results in days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness.
- The report would only catalogue types of injuries, not address difference in regulations, workplace conditions or exposures that contributed, if any, to the injury.
- While counties agree this data could be helpful to see compared to private sector employees, there are some classifications of public employees for which no private workplace comparable might be available.
- This could create false perceptions about the regulatory environment or safety policies that surround these employees.
- Counties view worker safety as an important issue and believe that we have demonstrated a commitment to worker safety in current practice, and we do not believe that regulatory requirements will improve worker safety for local government employees.

SPECIFIC COMMENTS

House Bill 2860 spells out the process for documenting workplace injuries and illnesses, including listing causes, types and severity of injuries within job categories and classifications. More specifically, HB 2860 would require reporting of any injury or illness that results in death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness.

Counties currently file incident reports and claims as a part of their Workers' Compensation processes, including details about the incident such as type of injury or illness, cause and circumstances. The format for filing may differ by county depending on the insuring body. House Bill 2860 would require counties to record workplace injuries and illnesses in the same style as an Occupational Safety and Health Administration (OSHA) 300 log.

While counties see value in reporting current workplace injuries in the same format as the private sector that would allow for an apples-to-apples comparison, some jobs held by county employees are vastly different than those in the private sector and come with gray areas and complications. County personnel complements vary greatly – we employ administrative staff, human service field workers, planners, telecommunicators, 911 dispatchers, corrections officers, direct care employees, parks maintenance workers, assessors, emergency management coordinators and many more types of employees. So while the injury data may be recorded, understanding the unique workplace hazards and exposures cannot be taken into account. We

also note particularly that there are some classifications of public employees for which no private workplace comparable might be available, and these are in some of the most inherently dangerous, yet most essential, services. This could create skewed perceptions when analyzing reporting data.

While completing a form similar to an OSHA 300 log may not be terribly time-consuming, counties would want to ensure there is an appropriately designated person to complete this information. That could look different across the commonwealth as some counties have risk managers but some may just utilize human resource staff for this information. We would want to ensure staff are adequately trained on proper procedures and expectations for recording and reporting. Further, we would ask the state Department of Labor and Industry to work with counties and local governments on understanding exemptions, classifications and reportable information to ensure we were falling in compliance with this law. OSHA standards as defined in 29 CFR 1904 call for specific exemptions, classifications of injuries and establish when something is recordable versus reportable. Given the diverse nature of county employee bases, we would want to be sure we are clear on expectations for recordability and reportability.

Finally, counties have continued to ask for additional data surrounding the need for revised safety rules and regulations and while HB 2860 would provide additional injury data, it does not provide context for why injuries are occurring. Simply providing a cause and type of injury sheds no light into any further situational, circumstantial or systemic problems with current rules and regulations. To gather a better understanding of public sector expectations, we would recommend comparing rules and regulations that public sector employees and facilities are held to against those of the private sector.

BACKGROUND

We extend our appreciation to the sponsor for his attention and concern for worker safety and appreciate the focus dedicated to data collection. Other proposals focused on workplace safety call for enactment of a state Occupational Safety and Health Act (OSHA) standards that would require political subdivisions to come under the federal law and regulations. Counties oppose any effort to require compliance with the federal law, primarily due to the cost when compared to any potential benefit, both for local government units and for the commonwealth.

Counties appreciate the intent of the sponsor to collect information about public sector workplace injury as counties believe there is an absence of statistics establishing that there is a worker safety problem in local government. Existing statistical data does not indicate that there is any greater incidence of workplace injury in the public sector as compared to the OSHA-covered private sector and counties have called for further analysis to back up those claims. House Bill 2860 attempts to bridge that data gap.

Counties believe a valid statistical study of workplace injuries between comparable public and private sector occupations will show little material difference between the OSHA-regulated private sector and our public sector counterparts and will support our contention that OSHA standards for public employees is unnecessary. While we agree that worker safety is an

important issue, but we believe that we have demonstrated a commitment to worker safety in current practice, and we do not believe that regulatory requirements and fines will improve worker safety for local government employees. We believe that the financial incentives and financial self-interest inherent in the workers' compensation system and liability risk management programs provide a far better path to doing the right thing for worker safety than a new and expensive regulatory environment that could instead divert resources away from existing safety programs.

QUESTIONS?

We appreciate your consideration of these comments, and we would be happy to discuss this legislation further with you. If you have any questions, please feel free to reach out to me, Keith Wentz, at kwentz@pacounties.org or (717) 736-4724.