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Before the Senate Commerce Committee
Testimony as PROPONENT of SB 212
Submitted By: Brian Wood
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March 15, 2017

Chair Senator Lynn and Members of the Committee:

My name is Brian Wood, and I am legal counsel for the Kansas Organization of State Employees (KOSE). KOSE represents over 8,000 Executive Branch state employees, with covered employees in every Kansas county and legislative district. On behalf of those employees, I ask you to support SB 212.

SB 212 would direct the secretary of labor to submit a state OSHA plan. Under such a plan, the state would assume responsibility for the development and enforcement of occupational and health standards. According to the U.S. Department of Labor, twenty-six states (and the territories of Virgin Islands and Puerto Rico) currently have some sort of state OSHA plan in place. State plans apply coverage of OSHA-type standards to both private sector and public sector employees. While private sector employees enjoy coverage directly under the federal OSHA laws and regulations, public employees are not covered without a state plan. Although KOSE represents employees at the state level, it is important to note that public employees at all levels of government, municipalities and political subdivisions for example, are not currently covered. The state plan contemplated by SB 212 would extend OSHA's crucial health and safety protections to those employees that serve the state of Kansas.

The lack of a comprehensive statutory workplace safety program is particularly important to state employees now. Over 4,500 FTE's have been cut from the state workforce since

2011. In addition, our recent review of vacant state positions revealed a list over seventeen (17) pages long...with some single listings representing multiple open positions. The resulting short-staffing creates critical safety issues for state employees as has been demonstrated in recent years at our state hospitals and correctional facilities.

Recent years have also witnessed an increase in reports of workplace violence. A National Bureau of Justice Workplace Violence Survey found that thirty-seven percent (37%) of all workplace assaults victims are public employees even though public employees represent only sixteen percent (16%) of the total workforce. Kansas does not offer any workplace violence protection laws for its public employees.

In times of budget reductions, outdated, damaged or missing equipment can also lead to safety issues. There should be a guaranteed statutory process to insure that any of these unsafe conditions are reported and addressed prior to potential injurious results to Kansas employees or the public.

The state OSHA plan contemplated in SB 212 would pertain to both private sector and public sector employees. I am not here to speak to the private sector employee perspective of a state plan; instead leaving that to others today. However, I would like to point out that should the legislature be disinclined to seek a state plan for private sector employees because they are already covered by OSHA or due to the associated costs, there is another option. That option is a state plan applicable only to public employees. Currently, five states have such a state plan applicable only to public sector employees. Those states are Connecticut, Illinois, Maine, New Jersey, and New York. A state plan limited to public employees, which is permitted under federal law, would accomplish the important objective of providing comprehensive safety and health protections to public workplaces while focusing state resources where they are currently needed most. Legislators could amend SB212 to call for an exploration of a state OSHA plan for public employees only.

For these reasons, KOSE respectfully requests committee members SUPPORT SB 212 or AMEND it to begin the process of creating an OSHA state plan for public employees.