

Executive Director J. David Henderson, AFSCME Council 13
Senate Intergovernmental Operations Committee
OSHA Protections for Public Employees
September 19, 2023

Members of the committee, my name is Dave Henderson. I am proud to be the Executive Director of AFSCME Council 13, a union representing tens of thousands of public employees in Pennsylvania – tens of thousands of workers who, unfortunately, are *still* not protected by a policy like the Occupational Health and Safety Act (OSHA).

They are not protected, but they nonetheless serve our commonwealth every single day, sometimes in hazardous conditions. Our union represents workers in many lines of work, some more dangerous than others, but all worthy of safe workplaces and equal protection.

I got my start with AFSCME as a Forensic Security Employee at Mayview State Hospital – meaning I was a corrections officer in a facility for the intellectually disabled who were going through the criminal justice system. You can imagine that I may have found myself in some hazardous situations in that line of work. I am thankful for that time, and fortunately my union always had my back, but it is scary to think I was not covered by any kind of OSHA-like protections. That was about 25 years ago, and to this day, there are thousands of AFSCME members in Pennsylvania working in corrections, Probation and Parole, and other forms of law enforcement, who do not have OSHA protections.

In those correctional facilities, as well as in nursing homes and hospitals throughout the state, AFSCME represents thousands of nurses and other support staff who work in medical environments, which are hazardous enough to begin with. Throw a pandemic on top and you have a recipe for disaster. The COVID-19 pandemic was a jarring awakening to the fact that our medical professionals are understaffed and underequipped, and if they work for a state or local government, they're not even covered by OSHA.

At the height of the pandemic, many AFSCME Council 13 members contracted COVID-19 on the job and brought it home to their families. Tragically, some passed away. Nothing could have fully prepared us for the fallout from the pandemic, but it is obvious that workplace protections could have mitigated the damage.

Along with my brothers and sisters in corrections and nursing, the first group of workers that comes to mind when you talk about public sector OSHA is PennDOT workers, particularly road crews.

I think of the memorial we have on the wall at our AFSCME Conference Center with the names of 91 PennDOT workers who died on the job, including in recent years Don Whipple, Robert Gensimore, Bryan Chamberlain, and Timothy Fitch. May God rest their souls and bless their families.

Just a couple years ago, Tom Vitale, a member of AFSCME Local 2143 and an Equipment Operator for PennDOT in Luzerne County, was struck by an oversized load while operating a jackhammer in an active work zone. Tom was hit from behind, thrown and seriously injured. He sustained a broken pelvis, a broken back and several other injuries, and he required multiple surgeries and extensive medical care.

This past November, five PennDOT employees were injured when an out-of-control box truck crashed into an active work zone in Chester County – three of the employees are members of AFSCME Local 2155.

Earlier this year, Bill Ziegler, a PennDOT Foreman from Local 2244, was a victim of a hit-and-run in Philadelphia while on the job. Bill Ziegler was hit so hard that he has multiple fractures in his legs, hips, and head, and suffered internal bleeding. Mr. Ziegler is a full-time single father to his 10-year-old daughter.

Recently, a PennDOT worker in Scranton was struck and drug by a vehicle after the driver went around a blockade.

These are real people who need real protections, and they would have had them if they were working the same kind of job, except in the private sector. Again, you can't avoid all mishaps, but you can put protections in place to avoid them, or at least properly investigate them after they occur.

It saddens me that there are so many examples that emphasize why public employees, especially our PennDOT workers, need OSHA protections, and they need them now. Frankly, they needed them a long time ago, but certain politicians have failed us, despite Pennsylvania's unions raising the alarm on this issue for decades. It is time for action.

How can you put a price tag on worker safety – and even human life itself?

In 2020, state and local public sector employers reported an injury rate of 3.9 per 100 workers, 44% higher than the reported rate of 2.7 per 100 among private sector workers.¹ And sadly, this statistic likely understates the problem.

The issues of workplace death, injury, illness, and violence, affect both the public and private sector, and Pennsylvania's public workforce deserves better than being treated like second class citizens.

On behalf of the 10's of thousands of AFSCME workers across this Commonwealth, I urge you to work with your fellow legislators, as well as Governor Shapiro, on passing the overdue measure of public sector OSHA.

Thank you for your time and consideration of this urgent matter.

¹ <https://aflcio.org/reports/death-job-toll-neglect-2022>