



## **SEIU Local 668 Testimony on House Bill 1082**

Testimony from Cheryl Little, Amy Varner, Janell Wadlinger, Tiffany White,  
and Tom Herman, President, on behalf of the Service Employees International Union, Local 668

Presented to House Labor and Industry on September 7, 2016

Public hearing on House Bill 1082



Chairwoman Gingrich, Chairman Galloway members of the House Labor and Industry Committee, please accept this testimony on behalf of the Service Employees International Union Local 668. My name is Tom Herman and I am the President of SEIU Local 668. As you may know, SEIU Local 668 represents nearly 20,000 health and human services workers, employment and youth counselors, social workers, corrections and probation officers, ChildLine caseworkers, 911 dispatchers, drug and alcohol counselors, and court employees, among other vocations. Approximately half of those workers are employed by the Commonwealth, and the remainder work for municipal, county, and private employers. With the exception of the two private employers whose workers we represent, none of our employees enjoy OSHA protections.

Prior to my election, I spent 25 years as a Business Agent – a staff representative tasked with assisting union stewards in grievances, arbitrations, and negotiations, for a variety of State, County, and nonprofit employers across Pennsylvania. What I have seen, year after year, in the absence of a law, is a continuous and blatant disregard for basic health and safety protections. This does not include all public employers, and often with the State or large counties, it may be the case that those individuals assigned to the task are inadequate to it, rather than willful, agency-wide ignorance and disengagement. There may be employers too focused on immediate costs, rather than long-term financial and productivity costs. There may be employers too afraid to address what they do not know.

These are compelling reasons why we need this law on the books as soon as possible. Another is that the workers we represent, in agencies big and small, tell me that they want to do their jobs. They want to serve the public. They want to help a family out of poverty. They want to move a child out of an unsafe environment. They want to take that next 911 call in the queue and save someone's life. They do not want to waste their work hours fighting over the right to work in an environment where they can breathe clean air. They do not want to have to feel like their job is at risk because they ask for mold to be removed – repeatedly. They do not want to have to risk taking bedbugs found at work with them to their homes and families. And they do not want to have to worry that because of inadequate physical safety measures, an out-of-control member of the public puts them in the hospital.

I have dealt with safety issues in public facilities for most of my working life. What follows in the next few pages are the words of the workers we represent who are struggling with these issues, in the absence of a law. These issues are not limited by county or category, and require true remediation and reform. The first step in that direction is the speedy passage of House Bill 1082. Please encourage your colleagues to get this bill to the Governor's desk without delay.

Thank you for the opportunity to provide testimony. If you have any questions about the issues presented in this testimony or would like documentation of these issues, please contact Christopher Hundley, Legislative and Political Director at our Local, at 717-619-3763 or [christopher.hundley@seiu668](mailto:christopher.hundley@seiu668). Thank you again.



Good morning, and thank you for the opportunity to provide written testimony to you today. My name is Cheryl Little and I am the elected Chair for SEIU Local 668 Chapter 7. In that role, I represent State and County workers, as well as workers in publicly funded nonprofits in Bradford, Centre, Clinton, Columbia, Lycoming, Montour, Northumberland, Snyder, Sullivan, Tioga and Union Counties. Additionally, I serve as the Chair of our Union's Department of Health and Safety Committee, where I have struggled for a number of years to make sure that our State workers employed by the Department of Human Services across all of Pennsylvania remains safe.

It is my sincere belief that one of the biggest effective ways to accomplish this would be the passage of House Bill 1082 – which would ensure greater environmental health and safety protections and the means to enforce those protections – to Pennsylvania's workforce. We should not have to use the collective bargaining process to make sure that public servants can come to work in a safe and clean environment. Nor should members of the public be subjected to unsafe working conditions because of Pennsylvania's failure to enact a State-based OSHA plan.

It is my hope that my testimony provides a brief, though not exhaustive overview of some of the conditions our workers face, based on my many years working for the Commonwealth and working on the Health and Safety committee:

- We have had multiple State Hospitals containing asbestos, and have had to fight for years to get it removed. This, of course, is not only a health hazard to the workers we represent, but by the members of the public who come to the hospital for treatment;
- After a mold discovery at Montgomery County Assistance Office (CAO), the Commonwealth did not shut the affected areas down. Instead, the mold was removed during the day with workers in the vicinity. The maintenance workers covered the mold covered wall; however, the bags they used to discard the moldy wall had holes in them. The workers tracked throughout the office with this in tow. Then landlord also authorized the garbage bin to be placed in the front of the building right outside the doors to enter the building blocking the entrance and exits if needed.
- In late 2014, Westmoreland CAO had **a raccoon** living in the ceiling for several months, before (in 2015) the Commonwealth finally arranged for the landlord to capture the raccoon. Additionally, at this CAO, workers have brought to light numerous health and safety issues affecting the public and workers, specifically that:
  - The potholes are beyond repair and the entire driveway from the entrance until the top of the upper parking lot needs repaved;
  - The runoff needs to be addressed and a new drain system in place so that run off conditions improve;
  - All parking lights need to be in working condition creating a well-lit parking lot for all employees;



- A stop sign needs to be erected from the ground and in place visible to all motorists;
- The floors need to be cleaned, waxed, and buffed on a weekly basis. ***This is part of the lease and is not done/enforced.***
- Parking lot spaces all need clearly marked and concrete bumpers placed in appropriate spots in parking lot;
- Exhaust fans need repaired and HVAC ducts need cleaned. Exhaust fans need to be bringing in clean, outside air; and
- Holes in Building B need to be repaired properly and one part of wall may need replaced.

Despite these issues, DHS signed a two-year lease extension with no changes to ensure that workers and the public were kept safe. In fact, DHS agreed to pay more rent to this landlord.

In February 2016, at Westmoreland CAO, after complaints of a partial ceiling collapse, SEIU actually had to send pictures of the damage because the Commonwealth trusted but did not verify, the landlord's assertion that there was no issue with the roof. Luckily, no members, nor members of the public were hurt in this situation.

- At Lackawanna CAO, staff and clients share the same bathroom. Whiskey bottles, beer and all sorts of things are left. ***In one particularly shameful instance, a member of the public was able to stay overnight in a bathroom stall, and spied on an employee by peeping over into the adjacent stall.*** Additionally, for a number of years the physical layout of the staff area was in disarray. Wires were hanging down from the ceilings, and cabinets were placed in areas that blocked exits. Handicapped persons could not evacuate that area. We had to fight the Commonwealth for ten years to get the necessary repairs made.
- In one recent instance at Bradford CAO, the electricity was knocked out and the water was off for seven hours due to conditions in the area. The building was **not closed, nor were workers sent home, though all other agencies in the area were closed by 10:00am.**

These are just a few of the well-documented examples of the many that our Committee deals with statewide, which hopefully provide you a sense of the range of issues that exist. It is intolerable that our members and the public continue to face these conditions without the protection of law. Fortunately for us, our union contract provides some ability for us to advocate for ourselves, and collectively bargain over this issues. However, it is unconscionable that we are not protected by law. HB1082 would provide swift enforcement of violations, training for employers, and a better quality of service for the public. Our members should be working with management to figure out increasingly better ways to provide better service to those who need it most, rather than fighting with them over air quality, physical safety, and environmental hazards.



Moreover, fundamental health and safety should not be left to the province of unionized employees. There are many public workers, especially in the nonprofit arena who are not unionized. If this is what we face as State workers, ask yourselves what health and safety workers in rape crisis centers or homeless shelters that you, as a General Assembly, **provide funding for**, face on a daily basis? What is their recourse?

Please pass House Bill 1082 out of House Labor and Industry as soon as possible, and encourage your colleagues in the General assembly to do so as well.



Good morning. My name is Amy Varner and I am a member of SEIU Local 668's Department of Labor and Industry committee. In this capacity, I work to try to make sure that our members working in Department of Labor and Industry facilities across the Commonwealth work in conditions free of environmental or physical safety hazards. As public employees are not covered by law, we have little recourse to address the systemic problems at a number of these facilities. This is why I thank you for the opportunity to submit written testimony today in support of the passage of House bill 1082, which would provide public workers – and members of the public in public facilities true environmental and safety protections.

I'd like to draw your attention to just a few of the recent cases our Committee has dealt with in 2016 to give you an idea of how necessary this law is.

- **Air Quality and Temperature:**
  - A large manufacturing plant built next to the New Castle CareerLink has significantly impacted the air quality of CareerLink. Workers have voiced concerns about smoke, dust, fumes, and particulates, as well as a thin mist outside. Some workers have reported a mild burning sensation inside their noses. This is, of course, a building in which members of the public go for service.
  - Duquesne UCSC workers have reported working in temperatures well above the OSHA recommended standard of 68-76 F, due to HVAC issues.
- **Regular Reviews of Workplace Violence and Safety Plans:**
  - In the wake of police incidents at Wilkes-Barre OVR and Hazelton CareerLink, as well as longstanding safety issues at CareerLink in Pittsburgh, regular reviews of these plans at all facilities, and in many cases updated plans, and remediation of workplaces to allow for quick entrance and exit is critical.
- **Environmental Issues:**
  - Continuous reports of bugs and roaches in Harrisburg Labor & Industry, Pittsburgh Office of Vocational Rehabilitation (OVR) and Washington OVR.

These are just a few of the well-documented issues that we have been addressing in the past few months. Doubtless many more do not make it to our committee. However, none of these issues are to be taken lightly. If there is concern over cost, the costs of remediation in the wake of a tragedy and /or a lawsuit are likely to be far higher than continual ongoing maintenance. If there is concern over employers (Commonwealth, County, and nonprofit management) not knowing exactly how to comply, the bill provides for employer education in this regard.

By holding this hearing, you are demonstrating that there is concern for public servants and the clients they serve. We are appreciative of that fact. We hope that in your deliberations you weigh not only the costs of implementing this bill, but the costs of **not** doing so in terms of financial and litigation-related risk, existing and potential negative effects on productivity, and reputational risk. Further, please think about this in terms of simple fairness. We only ask for the same rights as those enjoyed by our colleagues in the private sector.

We ask for an affirmative vote on this bill, and that you advocate that your colleagues pass this bill without delay.



Good morning, and thank you for the opportunity to submit written testimony today concerning the need for the passage of House bill 1082. My name is Janell Wadlinger, and I work at the York County Area Agency on Aging. Starting in the spring of 2016 I have had severe issues with my allergies and breathing in my work office building. Initially it started where I would have moments of dizziness and nausea and periods of time where I could not breathe. This never occurred at home. For a while these symptoms would come and go but they were always when I was working. They continued to get worse and on June 23, 2016, I was having trouble breathing, gasping for air, felt pressure on my chest, and developed a major sinus headache with wheezing. It really scared me. My rescue inhaler was not making my symptoms improve.

I did address this with a supervisor who quickly asked for an air quality test of the building. I went home and my asthma symptoms improved. I was off a few days and on June 27, 2016 I came to work and continued to have trouble breathing again. I was experiencing, wheezing and pressure in my chest. I am often physically tired due to lack of oxygen. I went to the doctor who increased my medication. At this point I started to cough so badly that my body shook, my body hurts from the coughing, especially my back. I wheeze, have horrible sinus headaches. I can barely eat because it makes me cough even more and I have trouble talking because it makes me cough. I feel so sick and nauseated on a daily basis. At this point I learned that the ***maintenance department refused to do an air quality test.*** By this time my coughing was so severe that my supervisor even sent me to work away from the building and my symptoms improved. I was placed in two different parts of our office building and my symptoms continued. When I went back to the doctor, he changed my asthma inhaler. My symptoms continued as before.

I went to an allergist who was very concerned with how I sounded. After I explained my symptoms in the office and how they always improve when I left the building, she immediately thought mold. She increased my medications in hopes of calming my symptoms down and scheduled an allergy test. Since I could not come into the office without antihistamine I was out of the office for 5 days and my asthma attacks stopped. I had the allergy test and as soon as I was given the mold injections I started feeling like I do in the office, I experienced pressure in my chest, sinus head ache, wheezing, and coughing. So I tested positive for mold allergies just as I did in 2002. I came back to the office and my symptoms returned. Because I am so sick in the office I cannot stay, as it takes days for my wheezing and coughing to completely go away. I am extra sensitive to my other allergies. It should be noted that I have never been sick in a building until now. My asthma is only allergy induced and has been in complete control for years. I now use my rescue inhaler every day I work and my asthma is considered out of control. I have had the symptoms of mold exposure for months and a little over a week ago I could smell mold coming from the air vents.

On July 13, 2016 I was informed by the Director of the Agency that I need to complete ADA paperwork for HR. I turned in the ADA paperwork on July 18, 2016. I had an official meeting with HR regarding the ADA paperwork on July 21, 2016. At that time, I told HR that my indoor allergies were to dust and mold. I told them that my symptoms were consistent with mold. I was told by HR that they would contact supervisors to make accommodations. By August 9, 2016 the county had done nothing regarding my request to work remotely. After not



hearing anything, I contacted HR and reiterated that I was continuing to have asthma attacks in this building. HR knew I was seeing an allergist and requested a second set of ADA paperwork. When I pointed out that a second set of paperwork was never discussed nor was it required by ADA they called to set up a meeting. At the meeting they reported that they will not do an air quality test. I had to continue to be in the office building because it was my place of employment. However, it was determined that I could do as I have done in the past and schedule daily assessments which allow for ending in the field. ***I asked for the air quality test and I was told I would not get it.*** They consulted the county attorney who stated that the county is not required to release the air quality results. My allergist had wanted me to get this information to determine if my problems were related to the air in the building. Kimberly Rinker in HR offered to look into a battery operated air filter for my desk. I told them again that I believe my issue is mold, to which they responded that the maintenance department maintains the buildings and would take care of it if there were an issue. As of this date I still have not received the air filter. ***I had contacted OSHA and was told that they do not cover county office buildings.*** At this point HR has done nothing to address my concerns and I am still getting sick at work. I still maintain almost daily visits to consumers, which take me out of the office for several hours. This, the county has no issue with.

As employees of a county human services agency we deserve to work in a safe environment. We are all aware of the risks our jobs inherently expose us to. But, we should not feel ill in our office building. We should be afforded the same rights as private sector employees.





Good morning, Representatives of the House Labor and Industry Committee. My name is Tiffany White. I am the elected Chair for SEIU Local 668 Chapter 12, representing State workers and workers in publicly funded nonprofits in Philadelphia County. Many of the workers I represent as Chair, including myself, work in on of Philadelphia County's many County Assistance Offices (CAOs). I want to thank you for allowing me to submit written testimony about what the passage of House Bill 1082 would mean for these workers.

House Bill 1082 provides for the workplace health and safety standards for public employees. The basic right of all employees to work in an environment that is free from hazards and risks to their health and safety is not one currently afforded to employees of the Commonwealth of Pennsylvania.

Philadelphia County Assistance Offices have been plagued from 2013 to the present by *Cimex Lectularius*, the common bed bug. It is a parasitic insect that feeds exclusively on human blood. Our members have been bitten repeatedly. Our client populations have been bitten and all have been subjected to the risks of transporting these parasites into their homes to feed on their families. Initially, in 2013-2014, CAO employees were advised that we had to catch the parasite and present it to management in order for the pest control company to treat the area. You can imagine how traumatizing this bit of information was to the employees. It was essentially equivalent to informing a victim of crime that they would be tasked with catching their own perpetrators in order for them to face prosecution.

Bedbugs are running rampant in the offices and to date we have been unsuccessful in getting the offices properly treated. After submitting bedbugs to management, the pest control company would only treat the desk and three surrounding desks of where the bug was located. Bedbugs continued to be spotted in separate areas of the same offices and again only specific areas were treated. Despite the obvious infestations of the offices, the Commonwealth refused and continues to refuse proper treatment of these offices.

Sadly, our employees have transported these parasites into their private homes on many occasions and 6 employees have reported the incidents to local Health and Safety committees. These employees were forced to pay thousands of dollars to treat their homes and replace furniture that due to the nature of these pests had to be discarded. When local Health and Safety committees have Witness Statements completed and forward those to the Commonwealth, workers are advised that they cannot return to work without verification that their homes have been treated. Workers were accused of having been the starting point of the bedbug problem and as such have been denied reimbursement for the fees paid out to save their perspective families from the problem.

In 2015, after constant debating with the Commonwealth, the workers were advised that they no longer had to catch the bugs for the offices to be treated but again only the identified location was treated. These parasites are crafty creatures just as any creatures that seek to ensure their survival. They are small and can hide in the tiniest of cracks including but not limited to the stitching on office furniture. Bedbugs are small and slightly transparent and only achieve the



notable dark brown reddish color after they have fed on human blood. They can remain in hiding for months and only surface to feed. When these pests have been found in other businesses, the businesses shut down and treated the problem. The most recent and notable incident was when the bedbugs were spotted in the Philadelphia Municipal building, the entire staff complement was dismissed for the day and the office was treated. We are not requesting and have not requested this to be the norm however we do need to have the offices treated at least once a year in their entirety to ensure the health and safety of the members of citizens of the community that we service.

Bugs are not the only problem that we have in Philadelphia. In addition to the bug problem, employees are also subjected to physical violence from the citizens of the communities that we service. I began my tenure with the Commonwealth in 2007 and my mother 26 years before me in 1981. From the beginning of my mothers' employment, the employees have always been protected by a plexi-glass barrier between the employees and the community to protect us from attempted physical violence and the spreading of bodily fluids. With the introduction of Modern Office, the Commonwealth decided without the input of the employees working in the field, that our protective barriers were an affront to the citizens we service. With that idea in mind, the Commonwealth removed the protective barriers from the Philadelphia CAOs.

We have experienced several instances of violence from the citizens, items have been thrown in workers faces, water has been spat in workers faces and in one instance a computer monitor has been knocked over on the wrist of an employee. Local health and safety officials have sent the incident reports to the Commonwealth and the Commonwealth still contends that the injuries are not sufficient enough to warrant the protective measures being reinstated. After traveling to other counties that do not have a strong client presence and witnessing first hand that their protective measures are still in place, it is disheartening to hear that the Commonwealth either does not believe or does not care that the Philadelphia employees are at risk on a daily basis.

We are hopeful that the passage of House Bill 1082 begins to provide some recourse to our workers to remediate these appalling conditions. For it is not only your employees who are at risk; it is also those members of the public who set foot in public facilities who may be the victim of Pennsylvania's lack of consistent health and safety standards.