

Senate Health & Welfare Committee

H.74 Workplace Safety Protocol Legislation

Testimony: 3/24/16 @ 9:00 a.m.

Per Senator Lyon's request, below is a written summary of the verbal testimony of **Susan Loynd** given on **3/24/16**.

First off, I would like to applaud the House committee for their tireless efforts and willingness to collaborate with multiple stakeholders throughout this process.

To clarify Senator Collamore's question and add to testimony given by Dawn O'Toole, COO for AHS, the designated agencies define a 'credible' threat as one meeting our standard to record for purposes of informing AHS, under our contract, OR a threat that requires the involvement of law enforcement.

I would also like to echo Senator McCormick's comment that this policy would not have prevented the recent tragedy at DCF.

The designated agencies are in support of the 'spirit' of this legislation and many of the items listed in the bill are already current practice.

We support the proposed four key tenets of a workplace violence and prevention and crisis response policy as listed;

- 1) Measures that will be taken to respond to a 'credible' threat,
- 2) A system to record credible threats,
- 3) A training program to educate direct support staff in ways to reduce risk, and
- 4) Developing and maintaining a policy, with direct staff input, for the benefit of staff providing direct services.

Our concern lies with the language; 'ensure the policy is consistent with the US Occupational Safety and Health Administration's Guidelines...' As Katie McLinn, legislative counsel, clarified during testimony these guidelines, 'are not binding, rather they are aspirational'. This leaves us confused; if the standards bear the weight of law and are enforceable, why do we need a separate statute? If the standards are truly guidelines, then why are they inserted into the bill?

Steve Monahan from the Vermont Department of Labor testified at the house committee that VOSHA doesn't have the 'resources' to enforce compliance with these guidelines, and that VOSHA is largely reactive and investigates incidents after they occur.

It's important to note that AHS stated that they would not have adequate resources to enforce H.74 as originally written, and it was their recommendation to add the OSHA language in an effort to limit AHS's liability by invoking VOSHA as the enforcer.

Ultimately, the state added language invoking their sovereign immunity, so, per Dawn's testimony they are no longer recommending the OSHA language. Again, if the guidelines are suggestions, we are more comfortable with the language as is, if, on the other hand it is intended to be prescriptive and failure to follow the 60+ page guidelines will result in fines/penalties/sanctions then we respectfully ask that language to be stricken. For example, completing a worksite checklist is fine, but what happens if we are found deficient in areas that we don't have adequate funding to provide; such as having an armed escort to our cars?

I also shared that the designated agencies are collaborative and we have voluntarily organized a work group of HR Directors from around the state to create a work product incorporating those elements of the guidelines that we believe apply to the community mental health system. I then spoke about the larger need for community safety trainings and shared our experience within Washington County, and our outreach to local libraries and other public facilities to offer them the tools to keep their staff, and the public safe.

Lastly, if the bill passes as proposed, we would like an opportunity to add a 'resource component' and quantify a dollar amount that we would need from appropriations to ensure that we can successfully comply with and meet the terms of the legislation.

Respectfully submitted,

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