

SENATE COMMITTEE ON LABOR AND GOVERNMENT OPERATIONS

March 1, 1993 Hearing Room B 8:00 a.m. Tapes 35 - 38A
MEMBERS PRESENT: Sem Tricia Smith, Chair Sen. Gratten Kerans, Vice
Chair Sen. Wes Cooley Sen. Brady Adams Sen. Peg Jolin STAFF
PRESENT: Stephanie Holmes, Committee Counsel Stasi Kitchen, Committe
A MEASURES CONSIDERED: BILL INTRODUCTION SB 73 - Relating to
Performance Appraisals SB 328 - Relating to Video Display Work Stations

TAPE 35, SIDE A 001 CHAIR SMITH: Calls to order at 9:10 a.m. MOTION:
CHAIR SMITH Moves the committee introduce LC 2615, 2617, 2617-1, 363 4.
VOTE: Hearing no objection the motion CARRIES. All members are present.
WORK SESSION - SB 73 WITNESSES: Art James, Executive Department
013 COUNSEL. STEPHANIE HOLMES: Reviews purpose of SB 73 and describes
amendment. 022 Chair: Asks if we have the printed amendment. 024
Holmes: Replies that we do not. 025 Chair: States we are to approve the
amendment in concept. 031 MOTION: SEN. JOLIN: Moves to ADOPT the SB
73 amendments, line 32 and 33, page 2, to read "a personnel discipline
action or performance appraisal or supporting materials or documents
relating to either". Senate Labor ~ Government Operation ~ 7 March 1,
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VOTE: CHAIR SMITH He; rlng no objection the ts are ADOPI ED. All members
are present. 034 MOTION: SEN. JOLIN: Moves that SB 73, AS AMENDED, be
sent to the Floor with a DO PASS recommendation.

036 SEN. KERANS: Aslcs if James will track SB 73 and proper amendments
at the appropriate time in relationship to SB 500. 041 ART JAMES,
EXECUTIVE DEPARTMENT~ Responds that he will.

046 VOTE: In a roll call vote, all members present vote AYE. Sen. (I)
Smith will carry. 048 SEN. SMITH will lead floor discussion. PUBLIC
HEARING - SB 328

WITNESSES: Diane Rosenbaum, Executive Vice-President, Oregon State
Industrial Union Council. Jim Craven, Oregon Council Zlectronics
Association Linda Wisher, Oregon Council Communication Workers of
America Cindy Phau, Employee - US West Lane Poncy, Employee - US West
Madelyn Elder, Communications Workers of America Local 7901 Cynthia
Anderson, Employee - US West Cynthia Johnson, Employee - US West Gary W
[helms, US West Communications Mona Beech Benardi, Vice-President, Local
7906 Mari Anne Gest, Oregon Public Employees Union Mary Bodka, American
Federation of State, County, Municipal Employees Robert C. A. Moore,
Oregon Workers' Compensation Attorneys & Oregon Trial Lawyers
Association Lauren Mauen, Womens' Rights Coalition of Oregon David
Sparks, Deputy Administrator, Oregon OSHA

055 DIANE ROSENBAUM, EXECUTIV E VICE-PRESIDENT, OREGON STATE INDUSTRIAL
UNION COUNCIL: Presents testimony in support of SB 328. (EXHIBIT A).

130 Chair: Asks if there are statistics or studies available that show
what the cost of Worlcers' Compensation claims are.

131 Rosenbaum: Replies that there are.

135 Chair: Asks about VDT injuries. -Are there studies which show the
chances of developing disabilities from VDT use?

141 Rosenbaum: Replies she does not have that information available.

January 1, 1998. 152 Rosenbaum: Replies that they would not.
154 Chair: Asks the average life span of a VDT. 155 Rosenbaum:
Replies she does not have the answer available. 160 Adams: Asks if
there are any cost estimates as to how much the state and private
employers will have to pay in order to comply. 161 Rosenbaum: Replies
she has heard figures, but has seen nothing on paper. 162 Adams: Asks
what those figures are. 163 Rosenbaum: States \$1,500.00, per work
station, for total replacement. 165 Adams: Inquires about the
\$1,500.00. -Is there information on how many work stations are currently
utilized in the state? 170 Rosenbaum: Replies there is not.
171 Chair: Asks if we have a fiscal impact statement on SB 328.
172 Holmes: Replies there are rough estimates for the state to
implement the user appropriate work station. 183 Adams: Asks if there
are proposed requirements for every Oregonian that uses a VDT.
191 Rosenbaum: Replies that the Oregon Safe Employment Act covers
employers who have at least one employee. SB 328 does not specify the
number of employees. 193 Chair: Requests at the next hearing of SB
328 the following be discussed: 1) The testimony regarding the
estimates, high and low, 2) The cost of workers' compensation in teens
of claims, and 3) The number of employees and the likelihood of these
kinds of injuries. 203 Kerans: States that we should not have
employees injured at the expense of wage. 241 Rosenbaum: The fiscal
impact should be considered. -Employers are required by law once they
have had an injured worker, to make work mod)fications. 252 Chair:
Asks Rosenbaum for the bill Tumber. 253 Rosenbaum: Replies she does
not have it. 254 Adams: Refers to Section four, line 18 - 25. -Would
SB 328 outlaw the use of the personal computers? - Senate Lahor &
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264 Chair: In Subsection 10, line 3, page 2; they are referring to
employees that use the equipment for more than four consecutive hours
per shift, inclusive of breaks. 273 Rosenbaum: That is correct.
285 Kerans: States that another amendment to this bill would be to
encourage the use an ergonomically correct keyboards. 312 JIM CRAVEN,
OREGON COUNCIL ELECTRONICS ASSOCIATION: Presents testimony in opposition
to SB 328. (EXHIBIT B).

TAPE 36, SIDE A

046 Chair: Asks if Craven's industry complies with the regulations.

050 Craven: Replies they do.

071 Chair: States that SB 328 does not have specified requirements
for every work station.

075 Kerans: SB 328 may be interpreted to read that the list mentioned
will be required in each work station.

114 Chair: Asks Craven if the equipment is replaced approximately every
five years.

121 Craven: Replies that is a reasonable assumption.

124 Chair: Asks if Craven's industry recognizes ergonomically related
injuries are costly to employers.

130 Craven: Replies that is not a major issue within the companies.

132 Chair: Asks Craven for more information regarding incorrect work

station injuries.

140 Craven: States concern is how far to go in locking certain standards, about equipment, in legislation.

175 Kerans: Asks Craven which is less expensive having a worker who suffers a cumulative trauma injury or an employer who chooses to correct the equipment before the injury.

183 Craven: Replies to correct the equipment before the injury.

195 Adams: Asks if OCEA states there is a linkage between eye problems and computer systems.

203 Craven: Replies No. - Sen. Kerans question was answered in dollar amount only.

252 LINDA WISHER! OREGON COUNCIL COMMUNICATION WORKERS OF AMERICA: Presents testimony in support of SB 328. EXHIBIT C) . ,. Senate Labor And Government Operations March 1,1993 - Page5

282 CINDY PHAU. EMPLOYEE OF US WE ~: Teatifies regarding injuries resulting from VDT use.

Tape 35, Side B

023 Cooley: Asks Phau to restate the first portion of job history.

025 Phau: Replies by expanding on employment history.

030 Cooley: Asks Phau to describe job duties.

031 Phau: Replies there was repetitive motion with the hand and wrist.

042 Cooley: Asks Phau how many years have been spent working over a computer.

051 Phau: Replies eight years.

053 LANE PONCY. EMPLOYEE OF US WEST: Presents testimony stating injures from VDT use. (EXHIBIT D)

088 MADELYN ELDER. COMMUNICATIONS WORKERS OF AMERICA LOCAL 7901: Presents testimony in support of SB 328. 0~ E) 164 CYNTHIA ANDERSON. EMPLOYEE OF US WEST: Testifies regarding injuries from VDT use and claim filed. 192 Chair: Asks Anderson if other areas of her life have been impacted by the injuries. 193 Anderson: Replies they have.

200 CYNTHIA JOHNSON. EMPLOYEE OF US WEST: Testifies regarding injuries from VDT - use. 223 Chair: Asks Johnson if studies were done regarding work station changes during time of medical treatment.

224 Johnson: Replies they were not. 251 GARY WILHELMS. US VVESI COMMUNICATIONS~ Presents testimony in opposition to SB 328. (EXHIBIT H)

TAPE 36, SIDE B

042 Chair: Inquires about the percentage of injuries. -Those employees who are located at ergonomicaUy unimproved work stations.

048 Wilhelms: Replies he does not have those percentages.

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060 Chair: Asks how often the equipment may be replaced.

063 Wilhelms: Replies that it varies greatly.

072 Chair: Asks Wilhelms if over the next five years how many work stations would need to be replaced.

074 Wilhelms: Replies attempts will be made to bring all the work stations up to standard.

093 Chair: States that two objections are heard: 1) The general objection to mandated requirements by any government on any business, and 2) The VDT ergonomics, you would prefer that the mandates take place at the federal level.

100 Wilhelms: Correct. 101 Chair: Inquires about the companies cost in paying workers' compensation claims and retraining of employees?

102 Wilhelms: Replies that he does not have that information available.

135 Cooley: Asks Wilhelms if he has backlground information, within his company, about prior injuries before computer keyboards.

153 Wilhelms: Replies not at this time.

174 Adams: Aslcs if the number of strokes used affects any upper extremity injuries.

186 Wilhelms: Replies there is a connection between work stations and CTD use.

214 Holmes: Asks Wilhelms how many states they employ.

220 Wilhelms: Replies 14.

241 Adams: Asks Wilhelms if there is a requirement within the 14 states that is similar to SB 328.

245 Wilhelms: Replies there is not.

250 Holmes: Asks Wilhelms if 14 states have State OSHA's.

253 Wilhelms: Replies he does not have that information before him.

260 Chair: Aslcs if the advisory is about a fede al rule change.

261 Wilhelms: Correct.

282 MONA BEECH BENARDI, VLCE PRESIDENT, LOCAL 7906: Testifies in support of SB 328.

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311 MARY ANNE GEST, OREGON PUBLIC EMPLOYEES UNION: Presents testimony in support of SB 328. (EXHIBIT J) TAPE 37, SIDE A 042 Sen. Adams: Asks Gest if the improvements within the State of Oregon are identical to SB 328. 043 Gest: Replies she does not have that information before her.

062 Sen. Adams: Inquires about the desks within a state agency. -Where employees work more than four hours, are the desks adjustable?

064 Gest: Replies they are required to follow the guidelines specified when equipment is to be replaced.

071 MARY BODKA, AMERICAN FEDERATION OF STATE, COUNTY. MUNICIPAL EMPLOYEES: Testifies in support of SB 328.

132 ROBERT C. A. MOORE, OREGON WORKERS' COMPENSATION ATTORNEYS & OREGON TRIAL LAWYERS ASSOCIATION: Testifies in support of SB 328. 205 Chair: Asks Moore what the total cost to an employer would be. 220 Moore: Replies he does not have those figures before him. 224 Chair: Asks Moore what the impact to a small business would be. 235 Moore: Replies that it is substantial. 250 LAUREN MAUEN, WOMENS' RIGHTS COALITION OF OREGON: Testifies in support of SB 328. (EXHIBIT F) 261 DAVID SPARKS. DEPUTY ADMINISTRATOR. OREGON OSHA: Testifies in a neutral position on SB 328. 274 Chair: Asks Sparks if OSHA normally takes a neutral position on workplace injuries. 281 Sparks: Replies they focus their resources on workplace injuries that are more catastrophic.

TAPE 38, SIDE A

062 Chair: Asks Sparks if his mission is to protect men and women how can he be neutral on SB 329.

072 Sparks: Replies they have a concern about not having enough resources. 104 Chair: Adjourns at 11:00 a.m.

These minutes contain trials which paraphrase and/or summarize the proceedings. Only the material enclosed in quotation marks is the speaker's exact words. For complete copies of the proceedings, please refer to the tape. Senate Labor & Government Operations March 1, 1993 - Page 8

- Submitted by: Reviewed by:

Stasi Kitchen Joan Van Almen, Committee
Committee Administrator

EXHIBIT LOG:

A - Testimony on SB 328 - Diane Rosenbaum - 6 pages B - Testimony on SB 328 - Jim Craven - 1 page C - Testimony on SB 328 - Linda Wisner - 11 pages D - Testimony on SB 328 - Lane Poncy - 1 page E - Testimony on SB 328 - Madelyn Elder - 9 pages F - Testimony on SB 328 - Lauren Moughon - 1 page G - Testimony on SB 328 - Laurie Wimmer - 1 page H - Testimony on SB 328 - Gary Wilhelms - 4 pages I - Testimony on SB 328 - Karl Frederic - 2 pages J - Testimony on SB 328 - Mari Anne Gest - 3 pages K - Fiscal Impact on SB 328 - Staff - 1 page L - Preliminary SMS on SB 328 - Staff - 2 pages M - Booklet on SB 328 - OSHA - Booklet N - Fiscal Impact on SB 73 - Staff - 1 page O - Hand Engrossed Amendments on SB 73 - Staff - 1 page

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