

House Public & Behavioral Health & Human Services
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 SB22-097 Whistleblower Protection Health & Safety
 Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
JD Ruybal For Self	I support SB22-097
Brian Polovoy For Self	<p>Mme. chairperson, members of the committee, thank you for the opportunity to present to you today. My name is Brian M Polovoy, MS, MSW, LCSW and I am representing UCHHealth Workers United and CWA Local 7799. I am here in support of SB 22-097 concerning the expansion of protection for workers who raise workplace health and safety concerns.</p> <p>At the start of 2020 Colorado adopted a law to protect workers who spoke out when they witnessed unsafe working conditions that jeopardize their health or the health of the public. This law was designed to blow the whistle when safety protocols were not being followed. As a mental health first responder I am in a unique position to see the benefits of having the availability of whistleblower protections as a resource for workers to protect their health and the health of our patients in the state of Colorado. The amount of strain and stress being placed on our healthcare system is at unprecedented levels. As such there is also added pressures on our healthcare systems to continually provide care despite health and safety concerns.</p> <p>This has been and will continue to be unacceptable. Over two years since the pandemic began healthcare workers and all essential workers throughout the state of Colorado have continually placed their life and safety on the line for their fellow Coloradans to ensure that we have the goods, services and overall care we need in order to maintain our great way of life here in the state.</p> <p>As such there is a duty on the part of the legislators in the state of Colorado to ensure that all workers have an avenue through which they can safely report dangerous, improper and malicious behavior without fear of retaliation both during this pandemic and beyond.</p> <p>As a behavioral health provider, I have seen firsthand just how important safety nets are to the continued well-being of the people of our beautiful state. The ability to safely provide protection from retaliation for workers or adverse actions such as pay cuts, or being terminated for reporting concerns in good faith is paramount to what we all should consider as basic human rights.</p> <p>These safety nets should not only be in place simply because there is a pandemic; rather it should be viewed that the pandemic caused us to realize where there were gaps in the protections provided for workers throughout our state. Thank you so much for your time and consideration.</p>

<p>Katie Lichtenstein For Self</p>	<p>Madame, Chair and members of the committee, my name is Katie Lichtenstein and I am a nurse at Denver Health. I urge you to vote in favor of SB22-097 and make whistleblower protections permanent. I work in the intensive care unit and the emergency department and let me say with gusto, this pandemic is not over.</p> <p>Coronavirus is not going away. Though we have a vaccine that is saving lives, the virus continues to mutate and this state of emergency mutates with it. We may call it our new normal, which is accurate, but that means we need to take all that we have learned and changed about our lives from the first and second and third waves and make them our new normal as well.</p> <p>The whistleblowers legislation was smartly put into effect to protect us during the beginning of covid-19 and it should be made permanent. Everyday I go to work I don PPE and treat covid pneumonia patients. It has been almost two years and now wearing masks, gowns and goggles feels normal. I feel protected by my PPE and I feel safe raising my concerns about workplace safety.</p> <p>As the world has realized over these last two years, those of us at the front lines, those of us taking the most risk, have the most accurate opinion about how to keep our patients and our coworkers safe. I am hard pressed to find a single reason why this legislation should go away. We medical staff need to feel safe in order to protect and serve your loved ones as this pandemic becomes our new normal.</p> <p>I urge you to vote in favor of SB22-097 and make whistleblower protections permanent.</p>
<p>Jacob Oldefest For Self</p>	<p>Madame Chair and members of the committee, my name is Jacob Oldefest and I am a paramedic in the Denver Metro area and I'm providing written testimony in support of SB22-097.</p> <p>Early on in this pandemic public safety workers found themselves between a rock and a hard place. We are expected to respond to events unprecedented in our time while also facing administration more likely to respond to our needs with apathy than action. Pushing these issues up the chain of command is also not realistic. Doing so is likely to label a worker as a troublemaker which often eliminates the chances of career advancement.</p> <p>How many people would not only volunteer in their off time to drive into the largest grassfire this century to help the helpless? How many people are excited by the prospect of tending to a person who has been shot or stabbed immediately after it has happened? We are valuable</p>

	<p>assets to our city and without adequate protections who will be there when you call?</p> <p>The decision of our lawmakers to pass HB 20-1415 Whistleblower Protection gave us the protections we need to raise the alarm when a crisis is imminent. Crises like the lack of staff halting an emergency evacuation of a hospital in the path of an out of control grassfire. Or when prisons are unable to house their psychiatric patients safely. Forcing Denver Health to nearly double their psych beds without added staff. Crises like 13 ambulances trying to maintain coverage across the entirety of a county of 700,000 people while being unable to choose appropriate destinations for patients.</p> <p>Making these whistleblower protections permanent will help us continually advocate for community safety while also protecting our livelihoods. Please vote in support of SB22-097.</p>
<p>Cassie Pennings For Self</p>	<p>Madame Chair and members of the committee, thank you for the opportunity to speak with you today. My name is Cassie Pennings. I am a nurse in the Metro area and I'm here to speak in support of SB22-097.</p> <p>How effective do you believe it would be for a single employee to raise work place safety concerns, such as staffing levels, to a leader of a large corporation? Would you want the nurse caring for your grandmother to feel protected and supported in speaking up about workplace safety or remain silent out of fear of retaliation? Would you like your healthcare team to be committed to the safest conditions just during a pandemic or at all times?</p> <p>Current whistleblower protections were put into place so healthcare workers could feel safe speaking up when they witnessed unsafe practices in their workplace. Whistle blower protections as currently written can only be upheld in a state of emergency, and unfortunately, unsafe practices can and do occur outside of the pandemic setting. The fine lines in this bill need to be updated to reflect the ongoing need to protect the voice of healthcare workers who wish to speak up in the face of unsafe practices in order to protect their patients, our community, your family members.</p> <p>Large healthcare corporations are profit driven, while its frontline workers are still care driven. Your help is needed to protect the voice of those at the bedside, not those in the C-suite. Please vote in support of SB22-097.</p>

Madame Chair and Members of the House Public & Behavioral Health & Human Services Committee,

My name is Lauren and I'm writing today to urge lawmakers to expand the whistleblower protections offered by SB22-0097. I work at a public library on the Front Range. I am afraid to be more specific about my employer because I fear retaliation or adverse action, i.e., things this bill would help prevent.

The shadow of the ongoing pandemic looms over any question of health and safety. But long before it, libraries have been struggling to reinforce a fraying social safety net. Some libraries staff social workers or carry naloxone in attempts to address community-level problems like the housing, mental health, and opioid crises. Some face these crises without these critical tools.

There is no shortage of safety issues in public libraries. Here are some things that have occurred in mine and other Front Range libraries in the past year: staff being threatened or assaulted by members of the public, a shooting outside a library, and a stabbing inside another. A staff member at one library was murdered by her husband while she was working.

I am addressing a much more mundane safety issue. My coworkers across different buildings have noted that management's reactions vary when heating and cooling systems break. When buildings have closed, staff have been told they could redeploy elsewhere or use paid time off, with no accommodation for staff who lack adequate transportation or PTO. In one case, staff had the option to go in for short curbside shifts while their building was closed to the public, but all work-from-home requests were denied. In another case, staff did not get permission to close a building until late in the day, and some of them exhibited heat exhaustion symptoms.

After a summer marked by multiple HVAC malfunctions, a manager posted on our staff intranet that leadership was finally beginning to develop a policy to address this perennial issue. At this time, my team was working from home, so while I didn't experience these things first hand, I heard about them. I had recently learned that the Occupational Health and Safety Act applies only to the private sector and I struggled to find information about which entity and regulations governed occupational safety for my workplace. The answer I eventually received from an administrator was that our relationship to local government is complicated and when questions arise, our leadership will ask the attorney's office. I asked for clarification on whether there were any rules of thumb to use as guidelines and was told that there are not. What I wrote was respectful, polite, and asked in the spirit of curiosity, transparency, and solidarity with my colleagues, many of whom are afraid to speak up about our working conditions due to fears of retaliation. My questions also had visible coworker support.

Weeks later, I received an unexplained meeting invite between me, my supervisor, and his supervisor for the next day. My request for an explanation was refused. The topic of the meeting was my comments and questions, which, again, I had posted in response to communications posted in an all-staff forum. My supervisors told me that HVAC issues did not affect me personally while I worked remotely, that the time management had spent coming up with a

response to me took them away from other tasks, that the administrator above all three of us had asked if I was wasting time not doing my own work, and that if upper management wanted research done by staff, they would ask for it. I noted that not knowing how local government rules map onto our organization's policies concerns everyone. I was told only to raise concerns that affected me personally, and then only to raise them to my supervisor.

This meeting was not formal disciplinary action, but it was scary and humiliating. My superiors told me that library leadership wants a work culture where staff feel that we can raise issues without fear of reprisal. Personally, I can tell you that being invited to a clandestine meeting where two of your superiors discourage you from asking questions does not foster a sense of safety or trust and feels a lot like a reprisal.

Other coworkers under this same administrator have been told similar things about only raising direct issues to supervisors. The message is clear: upper management prefers to hear concerns only from specific people who also have power, that showing solidarity with your coworkers is not acceptable, and that having to answer questions from staff is not a good use of management time, even if they address foundational questions that affect all facets and all employees of the organization. Discouraging the raising issues in a public forum where all staff can engage in dialogue about our conditions breeds a culture of pervasive silence and fear. Sadly, this is the work culture we have, for many more reasons I cannot address here. During this process, I also learned that recording a meeting without prior permission from leadership is grounds for disciplinary action, further disempowering employees from protecting themselves against the imbalance of power.

The ethical commitments of librarianship bind us to the concept of intellectual freedom. We encourage curiosity in pursuit of truth, supporting an informed citizenry. Every day, library staff work to support these tenets of democracy, and it's demoralizing that we see so little of it in our workplace. It's demoralizing to work in a place where you cannot trust anyone who has power over your paycheck to protect anything but the status quo. I should not have even felt the need to ask these questions: every person in my workplace needs to know the rules that govern our working lives, and what to do when the HVAC fails or when we feel otherwise unsafe.

As I said before, the topic of my testimony is mundane compared to situations that arise in mine and other workplaces of all kinds harassment, assault, injury. If we work in environments where asking about something as simple as the thermostat cannot be done safely, then what happens when we have to ask about the more dangerous situations that arise in libraries every day?

From 2009 until the end of March, 2022 I was a Colorado State employee. I resigned my position, as professionally as one does, tying up loose ends on my way out and routing emails and voice mails to my supervisor. At this point my unit is not understaffed and things are a bit safer so maybe they can hire someone dedicated to come in every day in person to the work site like I did through the Public Health Emergency. My supervisor was disappointed that I left. So were my coworkers. I had to leave to maintain a semblance of physical and mental health.

It was clear to me that my Appointing Authority did not take our union contract seriously and that facts were not going to win. With a governor that does not seem to regard Covid as a public health emergency despite state employees continuing to die of it (cutting their beneficiaries checks was among my work responsibilities) and no whistleblower law in place, I did not see a path forward for me at that agency. With an Appointing Authority entrusted with rule-making but inconsistent about law-following it was not a good place for me.

Since Covid hit and most of my team and all of the leadership left to work remotely, only a couple of us were left on site to handle things. My agency did not follow its own safety protocols. At the end, as the only person at my job site to report in daily under my Appointing Authority, HR asked me to report safety violations- and then our HR "business partner" instead of helping maintain a safe and healthy work environment helped my Appointing Authority retaliate against me for doing so. My Appointing Authority now has Risk Management reporting to him so I do not think things are likely to get better there. I was also being required to be part of more and more situations I regarded as unsafe in the last three months.

Retaliation took the form of letters put in my personnel file, a disciplinary meeting at which I was unable to present my point of view, verbal abuse, discrimination, and attempts to discredit me. I have a condition that makes me especially at-risk for Covid and my department was inconsistent about accommodations. Although I am aware that there are state and federal laws that pertain to my disability, what about workers who lack those protections?

I do not want my job back with the current leadership there. We need this law in place, and leadership that follows it. State jobs should hold the gold standard for health and safety protections, particularly the agency that facilitates HR for all of Colorado's state employees. If I did not have health and safety protections on the job, who in this state does?