

June 2001

AB1127 ALERT!

CalOSHA Fines to Public Entities in 2000

(summarized from CalOSHA Reporter, May, 2001)

The construction industry and public agencies were two sectors of the California workplace that were among the most affected by the passage and implementation of 1999's AB 1127. For the first time, cities, counties, the state and other public agencies are subject to monetary penalties for violations of Title 8.

According to the Division of Occupational Safety and Health (DOSH) Program Office, which compiles citation statistics, public agencies were issued citations totaling \$734,906 in proposed penalties in 2000, compared to zero in 1999. After adjustments, the final penalties amounted to \$586,251, with some cases still pending.

DOSH issued 906 citations to public agencies, including 154 for serious violations. The serious rate – about 21% - was below the overall employer average, which fluctuates around 25%. The Division issued citations based on 153 different Title 8 standards, and of the final assessed penalties, \$455,645 or about 77%, were for serious violations.

Of the 282 inspections conducted in 2000 that resulted in citations, 21 carried proposed penalties of more than \$10,000. The highest proposed penalties were \$450,800 to Caltrans in Los Angeles and \$45,000 to the California Department of Corrections in Sunnyville.

Concerned about unchecked workers' comp costs, not to mention DOSH's new ability to impose penalties on public entities, The City of Los Angeles' mayor and city council reinstated the safety administrator position and moved the safety and health staff from the personnel department to risk management. "AB 1127 has unquestionably been a major impetus for us to reinvent and improve our safety program," said Martin Zisner, the newly appointed safety administrator of the City of Los Angeles, a position that has been vacant for a decade. Los Angeles had cut its safety and health staff in the late 1980s due to budget problems but has seen workers' comp costs soar into the hundreds of millions of dollars.

It appears from the first-year statistics for AB 1127 that employees are contacting DOSH with safety and health complaints. ***By far the most common reason for a DOSH inspection of a public agency is because of an employee complaint.*** The Division also inspects facilities after an accident, by referral and in a programmed (surprise) manner.

L.A.'s safety administrator acknowledged that employee complaints have resulted in a number of DOSH inspections in the city since AB 1127 took effect. "Those employees who feel they're not being addressed properly in the safety area are calling Cal/OSHA," he said, adding that the city has attempted to address all alleged violations. Most of them, he said, have been "programmatic" violations, such as the lack of training records.

As the following table graphically shows, the passage and implementation of 1999's AB 1127 has profoundly effected public agencies in 2000, and this is only the beginning.

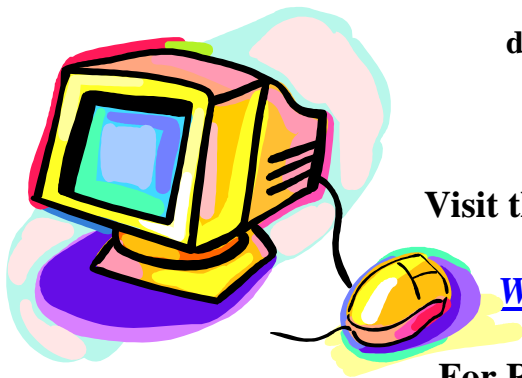
Most Frequently Cited Safety & Health Standards Among Public Agencies, 2000

Standard	Total Violations	Proposed Penalties	Final Penalties
§3203	89	\$35,825	\$4,415
§5194	63	\$12,853	\$3,005
§1529	57	\$35,740	\$12,160
§5193	47	\$36,165	\$18,235
§5142	38	\$7,045	\$1,825
§3273	32	\$6,168	\$310
§3362	32	\$4,223	\$430
§5144	31	\$55,283	\$300
§6151	31	\$3,883	\$790
§5162	27	\$26,545	\$8,508
§2340.16	24	\$21,928	\$4,690
§342	20	\$5,025	\$300
§14301	18	\$3,975	\$425
§5110	16	\$86,660	\$27,150
§2340.23	15	\$7,625	\$170

Source: DOSH Program Office

Please Contact David Patzer, CSRMA Risk Control Advisor for Additional Information on AB1127 or For Other Risk Control Needs:

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