

TOWNSHIP OF MIDDLE SMITHFIELD
MONROE COUNTY, PENNSYLVANIA

RESOLUTION NO. 03-2016-1

A RESOLUTION APPROVING AMENDED AND RESTATED BYLAWS FOR THE TOWNSHIP WORKERS
COMPENSATION SAFETY COMMITTEE

WHEREAS, the Township Board of Supervisors (the "Board") has established a Township Workers Compensation Safety Committee (the "Committee"); and

WHEREAS, by Resolution 10-2012-03, the Board approved bylaws for the Committee; and

WHEREAS, the Township Board of Supervisors desires to approve amended and restated bylaws for the Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Middle Smithfield Township Board of Supervisors as follows:

1. The Amended and Restated Bylaws attached hereto as Exhibit "A", and incorporated by reference, are approved as the operating procedures for the Committee. The prior bylaws, established by Resolution 10-2012-03, are repealed.

2. The two employer representatives to the committee shall be Supervisor Mark Oney (two year term) and Michele L. Clewell (one year term).

3. The Board of Supervisors shall select the two employee representatives to the committee from amongst the current committee members, with one representative having a two year term and another having a one year term. If only one, or none, of the current employee representatives on the committee desires to continue on the committee, the Board of Supervisors may select an employee representative from outside the current committee membership in order to complete the committee.

4. The foregoing terms shall be measured from January 1, 2016.

5. The provisions of this Resolution shall be severable, and if any of the provisions hereof shall be found to be invalid or unenforceable, the remaining provisions shall remain in effect. This Resolution, and the amended and restated bylaws adopted hereby, are intended to comply with the requirements of the PA Workplace Committee Certification Program, and the applicable regulations under Chapter 129 of Title 34 of the PA Code, Subchapter F., Workplace Safety Committees, Section 129.1001, et seq (the "Certification Requirements"). As such, this Resolution, and the bylaws, should be construed consistent with

the Certification Requirements, and any requirement not expressly addressed in these bylaws is implied therein. In the event of conflict, the Certification Requirements shall govern.

6. This Resolution shall be effective immediately and shall remain in effect until modified or repealed by further Resolution of the Board of Supervisors.

Resolved this 24th day of May, 2016, by the Board of Supervisors of the Middle Smithfield Township at a lawful session duly assembled.

TOWNSHIP OF MIDDLE SMITHFIELD
BOARD OF SUPERVISORS

Renata O. Kinson

Chairperson

Michael J. O'Day

Vice Chairperson

Mark D. Dwyer

Supervisor

(Township Seal)

Michele Clewell

Michele Clewell, Secretary

EXHIBIT "A" TO RESOLUTION

[Attached hereto]

**Middle Smithfield Township Workers Compensation Safety Committee
Amended and Restated Bylaws**

Purpose

The purpose of the Middle Smithfield Township Workers Compensation Safety Committee is to bring all Middle Smithfield Township employees together to achieve and maintain a safe, healthful workplace.

Goal

The goal of the Middle Smithfield Township Workers Compensation Safety Committee is to eliminate workplace injuries and illnesses by involving employees and managers in identifying hazards and suggesting how to prevent them.

Objectives

The Middle Smithfield Township Workers Compensation Safety Committee has four objectives:

- Involve employees in achieving a safe, healthful workplace.
- Promptly review all safety-related incidents, injuries, accidents, illnesses, and deaths.
- Conduct quarterly workplace inspections, identify hazards, and recommend methods for eliminating or controlling the hazards.
- Annually evaluate the Middle Smithfield Township's workplace safety and health program and recommend improvements to management.

Committee Representatives

- A. The Middle Smithfield Township Workers Compensation Safety Committee shall be composed of four (4) members, consisting of two (2) employer representatives, and two (2) employee representatives. Each member shall serve a two (2) year term, except initial terms may be one (1) year in order to stagger the terms. All committee members shall be appointed by the Board of Supervisors.
- B. Employer-representatives are individuals who, regardless of job title or labor organization affiliation, and based upon an examination of that individual's authority or responsibility, do one or more of the following:
 - (1) Select or hire an employee.
 - (2) Remove or terminate an employee.
 - (3) Direct the manner of employee performance.
 - (4) Control the employee.
- C. Employee-representatives are individuals who perform services for an employer for valuable consideration and do not possess any authority or responsibility described in subparagraph B.
- D. A person may not function as both an employer-representative and an employee-representative.

- E. Employee-representatives of the committees shall be permitted to take reasonable time from work to perform committee duties, without loss of pay or benefits.
- F. A quorum shall be required for Committee meetings. Three (3) Committee members (or their alternate(s)) shall constitute a quorum. The affirmative vote of a majority (ie, more than 50%) of attending representatives is required to approve all safety-committee decisions. Issues not resolved by majority vote will be forwarded to management for resolution.

Chair and Vice-Chair

The Middle Smithfield Township Workers Compensation Safety Committee will have two officers, consisting a Chair and Vice-Chair. One officer will represent labor and one officer will represent management.

Terms of Service

The Chair and Vice-Chair each will serve a one-year term.

Duties of the Chair

- Schedule regular committee meetings.
- Develop written agendas for conducting meeting.
- Conduct the committee meeting.
- Approve committee correspondence and reports.
- Supervise the preparation of meeting minutes.

Duties of the Vice-Chair

- In the absence of the Chair, assume the duties of the Chair.
- Perform other duties as directed by the Chair.

Election of Chair and Vice-Chair

The election of a new Chair or Vice-Chair will be held during the monthly committee meeting before the month in which the incumbent's term expires. If the Chair or Vice-Chair leaves office before the term expires, an election will be held during the next scheduled safety committee meeting; the elected officer will serve for the remainder of the term.

Training

New representatives will receive training in safety committee functions, hazard identification, and procedures for investigating accidents. OR-OSHA will provide training through its occupational safety and health workshops and online courses.

Meetings

Monthly Schedule.

A quorum of the Middle Smithfield Township Workers Compensation Safety Committee shall meet at least monthly, at a regular meeting time (for example, third Tuesday of each month), except in months when the committee conducts quarterly workplace safety inspections, which may constitute a required monthly meeting.

Attendance and alternates.

Each representative will attend regularly scheduled safety committee meetings and participate in quarterly workplace inspections and other committee activities. Any representative unable to attend a meeting may, with the approval of their department director (or two supervisors), appoint an alternate, and inform the Chair before the meeting. An alternate attending a meeting on behalf of a regular representative will be a voting representative for that meeting.

Agenda.

The agenda will prescribe the order in which the Middle Smithfield Township Workers Compensation Safety Committee conducts its business. The agenda also will include the following when applicable:

- A review of new safety and health concerns.
- A status report of employee safety and health concerns under review
- A review of all workplace near misses, accidents, illness, or deaths occurring since the last committee meeting.

Minutes.

Minutes will be recorded at each committee meeting and distributed by method of distribution. Examples: email, interoffice mail to all names of Middle Smithfield Township employees. The committee will submit a copy of the minutes to the Middle Smithfield Township personnel office; the office will retain the copy for five (5) years. All reports, evaluations, and recommendations of the committee will be included in the minutes. The minutes also will identify representatives who attended monthly meetings and representatives who were absent.

Employee Involvement

The Middle Smithfield Township Workers Compensation Safety Committee will encourage employees to identify health and safety hazards in the workplace. Concerns raised by employees will be presented to the committee in writing; the committee will review new concerns at the next regularly scheduled monthly meeting.

Safety Log

The Middle Smithfield Township Workers Compensation Safety Committee will maintain a log of all employee concerns, including the date received, recommendations to management, and the date the concern was resolved.

Response

The Middle Smithfield Township Workers Compensation Safety Committee will respond to employee concerns in writing and work with management to resolve them. The committee will present written recommendations for resolving concerns to management. Within sixty (60) days of receiving the written recommendations, management will respond in writing to the committee indicating acceptance, rejection, or modification of the recommendation.

Incident and Accident Investigation

The Middle Smithfield Township Workers Compensation Safety Committee will review new safety or health related incidents at its next regularly scheduled meeting. Safety-related incidents include work-related near misses, injuries, illnesses and deaths. When necessary, the committee will provide written recommendations to management for eliminating or controlling hazards.

Workplace Inspections

The Middle Smithfield Township Workers Compensation Safety Committee will conduct quarterly workplace inspections of all Township facilities in schedule of inspections; example: March, June, September and December.

Written Report

The Middle Smithfield Township Workers Compensation Safety Committee will prepare a written report for management that documents the location of all health or safety hazards found during inspection. The report will recommend options for eliminating or controlling the hazards. Within sixty (60) days of receiving written report, management will respond in writing to the committee indicating acceptance, rejection, or modification of the recommendation.

Evaluation

The Middle Smithfield Township Workers Compensation Safety Committee will evaluate the Township's workplace safety and health program annually and provide a written evaluation of the program to management. The committee will also evaluate its own activities annually at the end of the calendar year, and use the evaluation to develop an action plan for the next calendar year.

Construction

These bylaws are intended to comply with the requirements of the PA Workplace Committee Certification Program, and the applicable regulations under Chapter 129 of Title 34 of the PA Code, Subchapter F., Workplace Safety Committees, Section 129.1001, et seq., (the "Certification Requirements"). These bylaws should be construed consistent with the Certification Requirements, and any requirement not expressly addressed in these bylaws is implied herein. In the event of conflict, the Certification Requirements shall govern.

(Rev 3/24/16)