

TOWNSHIP OF MIDDLE SMITHFIELD
MONROE COUNTY, PENNSYLVANIA

RESOLUTION NO. 01-2023-2

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

WHEREAS, the Middle Smithfield Township Board of Supervisors (the "Board") adopted Resolution No. 10-2012-03 establishing a Middle Smithfield Township Workers Compensation Safety Committee (the "Committee"); and

WHEREAS, by Resolution 03-2016-1, and thereafter Resolution 08-2020-1, the Board approved amended and restated bylaws for the Committee; and

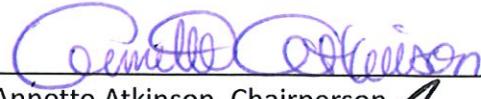
WHEREAS, the Board desires to approve and adopt new amended and restated bylaws for the Committee, increasing the membership of the Committee from four (4) to five (5) members.

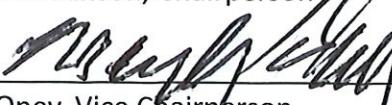
NOW, THEREFORE, BE IT RESOLVED, by the Middle Smithfield Township Board of Supervisors as follows:

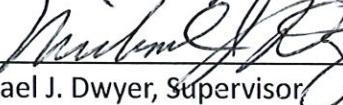
1. The Amended and Restated Bylaws for the Middle Smithfield Township Workers Compensation Safety Committee, attached hereto as Exhibit "A" and incorporated herein by reference, are approved and adopted as the bylaws and operating procedures for the Middle Smithfield Township Workers Compensation Safety Committee. The prior bylaws, established by Resolution 08-2020-1, are hereby repealed.
2. The current appointees to the Committee shall continue in office for the remainder of their respective terms, as previously established.
3. 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 attached bylaws, are intended to be consistent with the Certification Requirements, and any such requirement not expressly addressed in these bylaws is implied therein. In the event of conflict, the Certification Requirements shall govern.
4. 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 ____ day of January, 2023, by the Board of Supervisors of Middle Smithfield Township at a lawful session duly assembled.

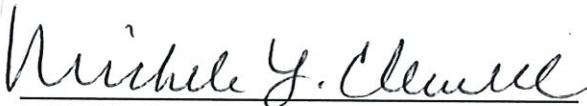
TOWNSHIP OF MIDDLE SMITHFIELD
BOARD OF SUPERVISORS


Annette Atkinson, Chairperson


Mark Oney, Vice Chairperson


Michael J. Dwyer, Supervisor

(Township Seal)



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 five (5) members, consisting of two (2) employer representatives and three (3) 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 above.
- D. A person may not function as both an employer-representative and an employee-representative.

- E. Employee-representatives of the committee 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 each monthly committee meeting. Fifty-one percent (51%) of regular committee members shall constitute a quorum. The affirmative vote of a majority of attending representatives is required to approve all 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 meetings.
- Conduct the committee meetings.
- Approve committee correspondence and reports.
- Supervise the preparation of committee 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 and the elected officer will serve for the remainder of the term.

Training

All safety committee representatives will receive training annually in hazard detection and inspection, accident and illness prevention and investigation (including substance abuse awareness and prevention training), safety committee structure and operation, and other health and safety concerns. Training will be conducted by individuals who meet the PA Bureau of Workers Compensation Health and Safety Division requirements for accident and illness prevention services providers, or who have been recognized by the Bureau as qualified trainers.

Meeting Attendance

- A. 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.

B. Attendance and alternates.

Each representative will attend the monthly safety committee meeting and participate in monthly hazard identification inspections, as well as other committee functions as required in these bylaws and/or as otherwise required by the applicable regulations under Chapter 129 of Title 34 of the PA Code, Subchapter F., Workplace Safety Committees, Section 129.1001, et seq.

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 an approved method of distribution. Examples: email, interoffice mail. The committee will submit a copy of the minutes to the Middle Smithfield Township personnel office and the office will retain a copy for five (5) years. All reports, evaluations, and recommendations of the committee will be included in the minutes. The minutes will also identify representatives who attended the 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 and 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 accordance with a 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 an inspection. The report will recommend options for eliminating or controlling the hazards. Within sixty (60) days of receiving a 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 are intended to be 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.