



KENTUCKY OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

December 19, 2023

Public Meeting Minutes

The Kentucky Occupational Safety and Health (OSH) Standards Board, hereinafter referred to as Board, met Tuesday, December 19, 2023 via Zoom.

Chairman Jamie Link called the meeting to order at 3:00 pm EST. Chairman Link requested confirmation of the public meeting notice. Deputy Commissioner Chuck Stribling confirmed pursuant to 803 Kentucky Administrative Regulation (KAR) 2:010 § 6, public notice of the meeting was posted ten (10) days prior to today's meeting on the front page of the Education and Labor Cabinet ("ELC") website in the announcement section. Also, pursuant to Kentucky Revised Statute ("KRS") 61.823 the media advisory was issued Friday, December 15 at 2:40 pm EST and posted the same day on the ELC website news tab.

Ms. Amy Pennington called the roll. Members attending were Ms. Angela Bednark, Dr. Traci Byrd, Mr. William Carey, Mr. John Holbrook, Mr. Kenneth Nichter, and Mr. Charles Steve Sparrow. Mr. Keith Murt, Mr. Robert "Mac" Stone, and Mr. John Stovall were not present.

Chairman Link noted a quorum was established and welcomed everyone to the meeting. Chairman Link requested a motion to approve the January 25, 2022 Meeting Minutes. A motion was made by Mr. Ken Nichter and seconded by Mr. John Holbrook; motion passed unanimously.

Chairman Link opened the floor for anyone to bring up Old Business for discussion. There being none, Chairman Link moved to New Business. Chairman Link introduced Ms. Jessica Williamson. Ms. Williamson introduced herself as the Cabinet's General Counsel.

Chairman Link provided an ELC update. He advised effective July 1, 2024, the Cabinet will be absorbing the Division of Disability Determination Services, coming from the Cabinet for Health and Family Services to ELC, bringing about 400 additional employees to the Cabinet. Chairman Link discussed the upcoming legislative session and the Governor's presented budget focusing on education, workforce development, and salary adjustments. Chairman Link expressed excitement about those opportunities, while maintaining commitment and focus to occupational safety and health, wages and hours protections, worker's compensation, and unemployment. Chairman Link advised they are looking for opportunities to make processes better to provide greater opportunity for injured workers to find medical professionals to assist with their claims. Chairman Link advised they are currently in the process of filling the Commissioner position for the Department of Workforce Development. Chairman Link spoke on the Governor's initiative called "Everybody Counts" which is committed to helping high school seniors find the training needed, job placement services needed, or postsecondary education opportunities needed to assist young people move on to the next phase of their educational journey or the career service they would like to become a part of. Additionally, ELC is looking to increase the apprenticeship



program and opportunities for various people in different sectors of the economy. Apprenticeship opportunities have expanded from skilled trade to education and health care, as well as other areas. Other areas of focus include transitioning service members coming out of the military and working with the Justice and Public Safety Cabinet on the re-entry of non-violent offenders coming out of incarceration. The Department of Workplace Standards continues a heightened focus on occupational safety and health, wage and hour protection, and federal penalties to address in the upcoming session. Chairman Link advised one of the Governor's main initiatives in this session regards early childhood issues, specifically pre-kindergarten services across the state and the associated challenges.

Chairman Link discussed the Kentucky Center for Statistics ("KYSTATS"), stating they would like to see increased focus on utilizing the data that KYSTATS produces to allow better decision-making regarding workforce issues and educational issues, as well as allowing state government utilization to provide better services to the public.

Chairman Link advised the Department of Education, which is attached to ELC, is currently searching for a new Commissioner. This is a significant hire for state government and the state in general.

Chairman Link spoke on the Office of Unemployment Insurance ("OUI"). He advised there were the same amount of claims in one (1) year of the pandemic as the previous ten (10) years, putting a huge demand on OUI. In February 2023, OUI staff and partners completed the backlog review of claims and are now looking into procuring a new IT system to replace a 30+ year old system.

In concluding his Cabinet update, Chairman Link asked the Board, and the public, if there were any questions or comments. There being none, Chairman Link turned the meeting over to Ms. Robin Maples to discuss an update on the Injury Tracking Application ("ITA") reporting requirements.

Ms. Maples advised the Occupational Safety and Health Administration ("OSHA") made amendments to improve the tracking of workplace injuries and illness by requiring certain employers electronically submit injury and illness information that they were previously required to keep under the existing recordkeeping regulation. Specifically, OSHA is requiring establishments with 100 or more employees, in designated high-hazard industries, to annually submit information from their OSHA Forms 300 and 301 to OSHA electronically. The designated industries are listed in Appendix B to Subpart E in 29 Code of Federal Regulations Part 1904, Recordkeeping. Ms. Maples advised OSHA will not collect employee names or addresses, names of health care professionals, or names and addresses of facilities where treatment was provided if treatment was provided away from the worksite. The updated OSHA ITA is now available at [osha.gov/injuryreporting](https://www.osha.gov/injuryreporting), which provides requirements and guidance about electronically submitting establishments' injury and illness data from the OSHA Form 300A, 300, and 301. Ms. Maples advised the final rule becomes effective January 1, 2024 and the ITA will begin accepting 2023 injury and illness data January 2, 2024 with a due date for



companies to complete submission by March 2, 2024. Ms. Maples stated information regarding these updates was pushed out to approximately 9,700 GovDelivery subscribers. Additionally, KYSAFE is conducting outreach to keep employers throughout the Commonwealth informed of these requirements. KYSAFE is mailing out postcards and a recorded webinar discussing the changes is posted at KYSAFE.ky.gov, with another live webinar scheduled for January 11, 2024.

Chairman Link opened the floor for questions or comments from the Board or public regarding the new ITA requirements. Mr. Ken Nichter asked what happens to someone that does not meet the March 2 deadline. Deputy Commissioner Stribling advised that happens every year. Mr. Stribling stated that OSHA will leave the application up and running after the deadline, so if you missed it, go ahead and send it in. Mr. Stribling advised it is Kentucky's policy to accept that data; however, employers that do not meet the March 2 deadline could have an inspection. If the employer demonstrates they submitted the data, Kentucky will leave the establishment. Chairman Link inquired if there were any additional questions. Hearing none, Chairman Link advised the meeting would move on to provide a legislative update.

Chairman Link advised Ms. Jorden Jones, Legislative Director, was unable to attend due to an unavoidable conflict, therefore, Deputy Secretary Vickie Wise will provide that update. Ms. Wise advised she will provide updates Ms. Jones shared with her and she will also provide a legislative calendar to be sent out to the Board after the meeting. Ms. Wise informed the Board the upcoming session is considered a "long session", lasting for sixty (60) days because it is a budget session. It officially begins January 2 and if not amended, the last day is March 28 with veto period beginning March 29. The last day to file bills in the House is February 26 and last day to file bills in the Senate is February 28. Sine die is April 15. Ms. Wise advised there is legislation being proposed regarding OSH penalties to match the state penalties with the federal penalties. Therefore, a proposal is being considered to increase the penalty assessment for Kentucky. In 2016, OSHA received approval to increase its maximum penalties and another increase occurred in 2021, but Kentucky has not seen an increase in the last two (2) decades. The floor was opened for questions for Ms. Wise. There being none, Chairman Link turned the meeting over to Ms. Jessica Williamson for an OSH Standards Board update.

Ms. Williamson advised that pursuant to KRS 338.051, the Board consists of the Secretary and twelve (12) members. The twelve (12) members equally represent: industry, labor, agriculture, and the safety and health profession. Ms. Williamson advised there are currently vacant board positions, two (2) for agriculture and one (1) in labor. Ms. Williamson stated if anyone knows someone meeting those requirements, please be sure to direct them to Boards and Commissions with the Governor's office. Chairman Link inquired if there were any questions. There being none, Chairman Link opened the floor for any members of the Board or other attendees that have comments, questions, or business before the Board. With no inquiries or comments from those attending, Chairman Link moved on to closing remarks and adjournment.

Chairman Link added that as we know Governor Beshear was re-elected, so no changes are anticipated in ELC or Department of Workplace Standards. He hopes to continue building the momentum built over the last four (4) years and continue providing good services to the people



of the Commonwealth. Chairman Link wished everyone a safe and happy holiday. Chairman Link asked for a motion to adjourn. Motion made by Mr. Steve Sparrow and seconded by Mr. John Holbrook; motion passed unanimously.

The meeting adjourned at 3:27 pm EST.