

Council 24
AFSCME
Wisconsin State Employees Union

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Robert McLinn, President
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December 23, 2009

Senator Kathleen Vinehout
Co-chair, Joint Legislative Audit Committee
Room 104 South
State Capitol
P.O. Box 7882
Madison, WI 53707

Same letter sent to:
Representative Peter Barca
Representative Christine Sinicki
Senator Spencer Coggs
Ms. Janice Mueller, State Auditor

Dear Senator Vinehout:

Recent events regarding the Department of Commerce Safety and Building Division and the University of Wisconsin – Stout, has caused us great concern. Our concern is that Commerce has allowed political and collegial factors to effect its enforcement of the "Public Employee Occupational Safety and Health" (Wis. State Statutes, Chapter 101) and the enforcement of OSHA provisions for public employees. The case in point deals with a serious asbestos situation and unsafe/ineffective removal protocols. The inspector from Commerce, who is also a licensed Industrial Hygienist, visited the UW Stout campus pursuant to complaints of unsafe working conditions filed by employees. The inspection resulted in over 100 pages of violations and inadequacies of the UW Stout's response to these health and safety issues. The immediate response of both UW Stout (Chancellor Sorenson) and the UW Systems (Kevin Reilly) was to discredit the inspector as a "disgruntled employee" rather than deal with the real problem of asbestos contamination affecting workers, students and visitors at UW Stout. Sorenson and Reilly directly communicated with Gregory Jones, Administrator of the Department of Commerce, who is not a certified Industrial Hygienist. Within days, Jones retracted the original report and is still in the process of preparing a new report which we are told is approximately four pages long and of little substance. The original inspections occurred in July of 2009 and still in December of 2009, we have no enforcement of the original violations. More complaints have been filed by workers at UW Stout regarding asbestos but there has been no resolve.

This incidence alone seriously detracts from the credibility and integrity of the Department of Commerce enforcing the OSHA and statutory standards. It is my understanding that this kind of public employer manipulation is not unique to the UW Stout experience. Unfortunately, I have not had the opportunity to further research the anecdotal reports I have been apprised of.

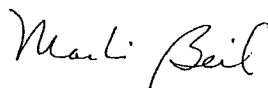


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All of this brings me to the following request. On behalf of all Wisconsin public employees covered by Chapter 101 and OSHA enforced by the Department of Commerce, I would request that an audit be done as to the efficiency and integrity of enforcement of these important work site protections. If an audit is not possible or too time consuming, the request would be for a legislative inquiry and hearing before the appropriate committees. We cannot allow egos and petty personal politics to interfere in the enforcement of safe public employee work sites. All workers have a right to adequate protection and enforcement regardless of the UW's bias of these workers rights. Let's assure all public employees that what happened at UW Stout was an anomaly and not the practice for Commerce.

I am available for questions and further discussion regarding the issue and my request. Please contact me.

Sincerely,



Martin Beil
Executive Director

CC: Senator Pat Kreitlow
Representative Kristen Dexter
Speaker Michael Sheridan
John Gast, Local 383 President
Susan McMurray