

**STATEMENTS OF CHARLES T. GREENE, DIRECTOR, AND MRS. SARAH
NEWMAN, CHAIRMAN, INDUSTRIAL SAFETY AND MINIMUM
WAGE BOARD; ACCOMPANIED BY MR. CLARK KING, COUNSEL—
Resumed**

Mr. SISK. First, in view of our just recently talking with the gentlemen representing labor, are you or is your office, Mr. Greene, in a position to furnish or would you have such records as Mr. Gude and I have just agreed would be beneficial to the record regarding the grave injuries or fatalities caused by violations and yet settled merely by forfeiture of collateral?

Mr. GREENE. We do have cases and we can furnish you a list going back five years that would deal with whether the finding of the court and as to whether it was a fatality and/or personal injury which would be noted. We keep all our findings in our court cases as records in our office. It will take a little time to compile it for five years back, but I would say we can do it within three or four days.

Mr. SISK. Well, I was going to say the record will be kept open for five or six days. We will give you time to get it in all right, Mr. Greene. But, it seems to me, as I said, I had drawn some conclusion earlier that there might be some justification due to the statement of the Commissioners and others about the Committee considering further this matter of no forfeiture of collateral. But in view of the recent statements here this morning I would find myself very much concerned that an actual violation, which is the only thing that would involve you, that could be simply written off on a forfeiture of collateral. I am amazed, particularly in a fatality. It struck me as quite unbelievable.

Mr. GREENE. Mr. Sisk, our problem with that particular thing administrative wise was the fact that when we cite information it has to be cited to the court based on a violation of the regulations. Any time or many times the court is not aware of a personal injury when they consider whether it is a collateral forfeiture, they are not aware that this is different from another one because there is nothing in the regulation now that would permit us to feed that information in on the picture. We have to treat it as violations of regulations or standards or rules, etc.

Mr. SISK. You mean to say, and again as I understand it and I believe you did testify on this point last week, that if a man was killed from a fall from a boatswain's chair where no scaffolding had been prepared and where someone was trying to do a little painting or window cleaning or something to do through this use that in your report all you cite is that there had been a violation, but not what happened to the individual?

Mr. GREENE. No, not what happened to the individual. It would read something like the employer did fail to provide a certain type scaffold for use of employees at the work place at so and so address, that would be the typical information on this particular accident. Unless it came up at a hearing by the Corporation Counsel or in the court and a judge specifically asks whether there was, to help to weigh his decision, as to whether there was an injury involved, this would be the only time this would come into the information.

Mr. SISK. If I could just express an opinion, in a case like that it certainly seems to me that the contractor is guilty of criminal negli-