MICHIGAN CHAMBER OF COMMERCE

To: Members of the House Commerce Committee

From: Wendy Block, Michigan Chamber of Commerce WB

Date: August 28, 2007

Re: Michigan Chamber Opposes Government Interference in the Workplace (HB 5046)

The Michigan Chamber recognizes the difficulties occasionally experienced by individuals suffering from medical conditions such as Crohn's Disease and other inflammatory bowel diseases. However, after careful review and discussion of legislation to require bathroom access in retail establishments for customers with the aforementioned conditions, a policy committee of the Michigan Chamber unanimously voted to oppose House Bill 5046.

Although we are sympathetic to a situation where someone suffering from an illness may have been denied access to an employee bathroom in a retail establishment and recognize the incident may have been inconvenient to the individual(s) involved, we believe there are many legitimate reasons why retailers may not make employee restrooms available to the public.

We hope the attached articles about real problems experienced by real retailers (e.g., pranksters applying super glue to toilet seats in public restrooms) help explain why some employers may not wish to make employee restrooms available to the public or why they feel HB 5046 would create more problems than it would solve. Further, these articles may help explain why over 1/3 of the legislation is dedicated to creating a new liability threshold for persons injured in nonpublic restrooms and who can be sued and under what circumstances.

The Michigan Chamber believes HB 5046 is unnecessary, impractical and likely to create more problems than it would solve. Specifically, this legislation would force retailers to make employee toilet facilities customer-accessible and take one employee off the storeroom floor or away from the check-out counter to supervise an individual for undeterminable amount of time while he or she uses the restroom facility. Further, many retailers would feel the need to reconfigure areas of their stores that are currently not accessible to the public, especially if they store merchandise, personnel or financial records near the restroom facility that would be subject to use. Finally, we are concerned that HB 5046 creates a new liability threshold. This liability would not be an issue if retailers were allowed to continue to choose which areas of their establishments are accessible to the public.

The Michigan Chamber asks you to oppose HB 5046. Please do not hesitate to contact me or Rich Studley at (517)371-2100 if you have any questions.

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Man sues Home Depot after using glue-covered toilet

BOULDER, Colo. (AP) — Home Depot was sued by a shopper from a Kentucky store who claims he got stuck to a restroom toilet seat because a prankster had smeared it with glue.

Bob Dougherty, 57, accused employees of ignoring his cries for help for about 15 minutes because they thought he was kidding.

"They left me there, going through all that stress," Dougherty told *The (Boulder) Daily Camera*. "They just let me rot."

The lawsuit, filed Friday, said Dougherty was recovering from heart bypass surgery and thought he was having a heart attack when he got stuck at the store in Louisville, on the day before Halloween 2003. A store employee who heard him calling for help informed the head clerk by radio, but the head clerk "believed it to be a hoax," the lawsuit said.

Home Depot spokeswoman Kathryn Gallagher said she could not comment on pending litigation.

The lawsuit said store officials called for an ambulance after about 15 minutes. Paramedics unbolted the toilet seat, and as they wheeled the "frightened and humiliated" Dougherty out of the store, he passed out.

The lawsuit said the toilet seat separated from his skin, leaving abrasions.

"This is not Home Depot's fault," he said. "But I am blaming them for letting me hang in there and just ignoring me."

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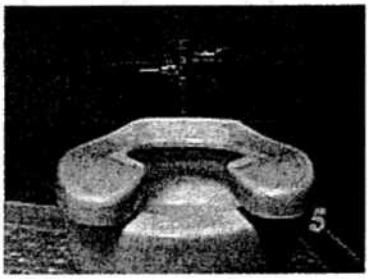
Antioch Man On The Wrong End Of Practical Joke

Oct 20, 2006 10:31 AM EDT



An Antioch man found himself in a sticky, humiliating situation at a local Wal-Mart on Monday.

He sat down on a toilet in the store's rest room, only to find himself glued to the seat.

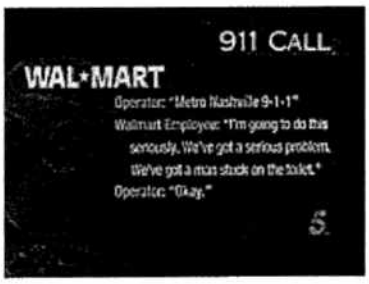
Jeffery Hanserd wants everyone to know that using a public toilet could leave you flushed with embarrassment.

Jeffery Hanserd says it took 30 minutes of knocking for Wal-Mart employees to respond to his situation.

"I walked into the restroom and came out on a stretcher," Hanserd said. "There's somebody out there doing dirty low-down things they shouldn't be doing. I want everyone to know how dangerous it is."

The recent colon cancer survivor found himself slammed by what he calls a painful prank at the Hamilton Church Road Wal-Mart.

Hanserd said he sat down in super glue someone had put on the toilet seat. Facing an urgent call of nature, Jeffery said he just opened the stall, sat down and couldn't get up.



Wal-Mart employees called 911-dispatch for help in removing Hanserd from the toilet seat.

"I started knocking for help. Nobody responded. I did it for 30 minutes."

Most super glue packages warn what happens when the substance contacts skin.

Jeffery has graphic photos showing how the glue tore into his skin.

Some super glues can take up to 20 minutes to set.

Wal-Mart says it takes Hanserd's claim seriously and is investigation the incident.

The potty prank that could have been set up several minutes before Jeffery sat down in the stall.

"I feel like Wal-Mart is responsible because they're supposed to check the restrooms," Hanserd said.

Jeffery warned others to do the same.

Jeffery Hanserd said he's ready to sue Wal-Mart citing pain, suffering and humiliation. Wal-Mart said it takes the toilet seat incident very seriously and is continuing its investigation into the matter.

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KUTV 2News: Toilet Seat Glue Claims Another Victim

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Water Cooler

Apr 4, 2006 10:16 am US/Mountain

Toilet Seat Glue Claims Another Victim

(AP) SALISBURY, Md. Police in Salisbury are trying to find out who put the glue on a toilet seat at a local Denny's Re:

A Fruitland man became stuck to the seat when he used the restroom early Sunday morning. When he yelled for hel customers called 911. Paramedics took the man to the hospital and the seat was removed.

Police are wondering if putting the glue on the seat was somebody's idea of an April Fools Day prank.

In a similar case, a Colorado man who found himself glued to a toilet seat at a Home Depot in 2003 sued the home i chain last year.

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Lawsuit: Shifty Toilet Seat Left Woman Disfigured

POSTED: 7:22 pm CDT July 31, 2006
UPDATED: 7:30 pm CDT July 31, 2006

CHICAGO -- A woman claims an unsecured toilet seat in a Borders Bookstore caused her to fall and become "permanently disfigured."

Linda Mason filed a lawsuit in Cook County Circuit Court Monday against Borders Incorporated and the company that services the bathrooms in the bookstore, Building Maintenance Services.

According to the suit, Mason touched the toilet seat on June 20, 2003, in the bookstore in Gurnee Mills Shopping Mall while attempting to sit down, and the seat "shifted to the side," causing her to be thrown onto the tile floor.

The suit said she landed on her buttocks, causing her to suffer "multiple spine injuries, including the need for multiple neurosurgical spine surgeries."

The suit alleges Borders knew at various times that the seats in the women's bathroom were not properly secured. Also, the suit alleges that the company knew the seats were not attached properly on the date of the accident.

The job to maintain and service the bathrooms in the bookstore was Building Maintenance Services, the suit said. But, Building Maintenance Services sub-contracted the agreement out to Astro Janitorial. Astro Janitorial is not named as a defendant in the suit.

The suit also claims the company did not have any warnings of a defective seat, either verbal or written, and failed to put up tape to show the toilet was out of order.

The suit seeks in excess of $100,000 in damages.

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