

1 environments free from recognized and avoidable hazards; (2) It is
2 the responsibility of the state to promulgate standards for the
3 protection of the health and safety of its public workforce; and
4 (3) It is in the public interest for public employers and public
5 employees to join in a cooperative effort to enforce these
6 standards; and

7 Whereas, The Act requires educational programs on occupational
8 safety and health issues to be provided to public employees;
9 awareness programs directed at state employees in managerial
10 positions; routine, unannounced inspections of public workplaces;
11 and compilation of public employer statistics on occupational
12 injuries and illnesses; and

13 Whereas, In short, the Act requires the Division to be
14 proactive to ensure the health and safety of public employees; and

15 Whereas, Currently, the Division has limited its role in
16 administering the Act to responding to complaints rather than
17 monitoring compliance with occupational health and safety
18 standards; and

19 Whereas, While the investigation of complaints is an important
20 function, the current approach has the disadvantage of allowing
21 potentially unsafe or unhealthy work environments to go undetected
22 because of employees' reluctance to report violations because of a
23 concern that they may lose their jobs; and

24 Whereas, According to a 2002 Legislative audit and a 2010
25 supplemental audit, the Act has not ever been properly implemented

1 or enforced; and

2 Whereas, Specifically, the 2002 Legislative audit found that
3 the Division was not pro-actively inspecting public workplaces or
4 collecting public employer statistics, and had not established two
5 review panels required by law; and

6 Whereas, Despite the findings contained in the 2002 audit, a
7 supplemental audit in 2010 found that the Act was still not being
8 implemented in any meaningful fashion; and

9 Whereas, Since the passage of the Act in 1987, the state
10 budget has failed to provide the Division the appropriate funding
11 to implement the provisions of the Act; and

12 Whereas, The Division has made repeated requests for funding
13 for the fiscal years 2003 through 2011 ranging from \$467,074 to
14 \$554,117. However, the requests have not been included in the
15 Governor's budget; and

16 Whereas, Implementation and enforcement of the Act may provide
17 access to federal matching funds for state implementation and
18 enforcement of the Act's standards for public employees; and

19 Whereas, The Legislature is committed to ensuring that all
20 employees of the state have a safe workplace, and implementation
21 and enforcement of the Act would further that priority; therefore,
22 be it

23 *Resolved by the Legislature of West Virginia:*

24 That the Legislature hereby urges the Governor to include
25 adequate funding in his fiscal year 2012 budget so as to fully

1 implement the West Virginia Occupational Safety and Health Act for
2 public employees; and, be it

3 *Further Resolved,* That if the Governor fails to provide
4 adequate funding to fully implement the West Virginia Occupational
5 Safety and Health Act in his fiscal year 2012 budget, the House and
6 Senate Finance Committees are urged to include funding to fully
7 implement the Act in the 2012 budget; and, be it

8 *Further Resolved,* That the Clerk of the Senate is hereby
9 directed to forward a copy of this resolution to the Governor.

 This resolution was recommended for introduction and adoption
during the 2011 Regular Session of the Legislature by the Joint
Standing Committee on the Judiciary.