

H. B. 2354

(By Delegates D. Poling, Hamilton, D. Campbell,
Ellem and Storch)

[Introduced February 13, 2013; referred to the
Committee on Energy, Industry and Labor, Economic
Development and Small Business then Government
Organization.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §21-3-22, relating to
requiring onsite employees at certain public works
construction projects to complete an Occupational Safety and
Health Administration (OSHA) approved 10-hour construction
safety program prior to beginning work; civil penalties; and
exemptions.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new section, designated §21-3-22, to read as
follows:

ARTICLE 3. SAFETY AND WELFARE OF EMPLOYEES.

§21-3-22. OSHA safety construction program.

(a) A person submitting a bid for, or signing a contract to
work on, the construction, reconstruction, alteration, remodeling
or repairs of any public work by the state, or political

1 subdivision thereof, or by any county, city, town, district, where
2 the total cost of all work to be performed by all contractors and
3 subcontractors in connection with the contract is at least a cost
4 of \$1,000 or more, shall have an Occupational Safety and Health
5 Administration (OSHA) 10-hour construction safety program for their
6 on-site employees.

7 (1) All employees are required to complete the program prior
8 to beginning work. The training program shall utilize an
9 OSHA-approved curriculum. Graduates shall receive a card from OSHA
10 certifying the successful completion of the training program.

11 (2) An employee found on a worksite subject to this section
12 without documentation of successful completion of a course in
13 construction safety and health approved by the United States
14 Occupational Safety and Health Administration that is at least ten
15 hours in duration is subject to immediate removal.

16 (3) All contractors and subcontractors must attach a copy of
17 proof of completion of the OSHA 10-hour course by submitting a
18 course completion card issued by the Federal Occupational Safety
19 and Health Administration Training Institute to the first certified
20 payroll submitted to the contracting agency and on each succeeding
21 payroll where a new or additional employee is first listed.

22 (b) The labor commissioner may assess a civil penalty of up to
23 \$3,000, per day, for noncompliance. In addition, a civil penalty of
24 \$500 per employee for each day of noncompliance shall be assessed.

1 (c) The following individuals are exempt from the requirements
2 of the OSHA 10-hour construction safety program:

3 (1) Law-enforcement officers involved with traffic control or
4 job site security;

5 (2) Relevant federal, state and municipal government employees
6 and inspectors; and

7 (3) All delivery personnel.

NOTE: The purpose of this bill is to require onsite employees at certain public works construction projects to complete an Occupational Safety and Health Administration (OSHA) approved ten-hour construction safety program prior to beginning work.

This section is new; therefore, it has been completely underscored.