

Senate Bill No. 334

(By Senators Yost and Edgell)

[Introduced February 20, 2013; referred to the Committee on
Labor; and then to the Committee on the Judiciary.]

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

17 *Be it enacted by the Legislature of West Virginia:*

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

21 **ARTICLE 3. SAFETY AND WELFARE OF EMPLOYEES.**

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

23 (a) A person submitting a bid for, or signing a contract to

1 work on, the construction, reconstruction, alteration, remodeling
2 or repairs of a public work by the state, or political subdivision
3 thereof, where the total cost of all work to be performed by all
4 contractors and subcontractors in connection with the contract is
5 at least a cost of \$1,000 or more, shall have an Occupational
6 Safety and Health Administration (OSHA) ten-hour construction
7 safety program for their on-site employees.

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

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

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

23 (b) The Labor Commissioner may assess a civil penalty of up to

1 \$3,000 for noncompliance with the requirements of subsection (a) of
2 this section. In addition, an employer shall be assessed a civil
3 penalty of \$500 per employee for each day of noncompliance.

4 (c) The following individuals are exempt from the requirements
5 of the OSHA ten-hour construction safety program:

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

8 (2) All relevant federal, state and municipal government
9 employees and inspectors; and

10 (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, strike-throughs and underscoring have been omitted.