

1 **H. B. 4380**

2
3 (By Delegates P. Smith, Caputo, Diserio,
4 Poore, Perdue, Ellelm, Manypenny, Fleischauer,
5 Eldridge, Marshall and Stephens
6

7 [Introduced January 31, 2014; referred to the
8 Committee on Industry and Labor then the Judiciary.]

**FISCAL
NOTE**

9
10 A BILL to amend and reenact §21-3A-2 of the Code of West Virginia,
11 1931, as amended, relating to making the Department of
12 Corrections and the Department of Health, and their respective
13 workplaces, subject to the Occupational Safety and Health Act.

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

15 That §21-3A-2 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 3A. OCCUPATIONAL SAFETY AND HEALTH ACT.**

18 **§21-3A-2. Definitions.**

19 As used in this chapter, unless the context clearly indicates
20 otherwise:

21 ~~(a)~~ "Commission" means the occupational safety and health
22 review commission established under this article;

23 ~~(b)~~ "Commissioner" means the labor commissioner or his or her
24 designated agent;

25 ~~(c)~~ "Employee" means any public employee of the state, or any

1 state agency;

2 ~~(d)~~ "Employer" means public employer and shall include the
3 state or any department, division, bureau, board, council, agency
4 or authority of the state, but ~~shall~~ does not include ~~the~~
5 ~~department of corrections, the department of health and the~~
6 Legislature;

7 ~~(e)~~ "Occupational safety and health standard" means a standard
8 for health or safety which requires the adoption or use of one or
9 more practices, means, methods, operations or processes reasonably
10 necessary or appropriate to provide safe and healthful employment
11 in places of employment;

12 ~~(f)~~ "Person" means one or more individuals; and

13 ~~(g)~~ "Workplace" means a place where public employees are
14 assigned to work but ~~shall~~ does not include any place where public
15 employees are assigned to work that is inspected and regulated in
16 accordance with federal occupational safety and health standards or
17 mine safety and health administration standards, or facilities
18 under the authority of ~~the department of corrections, the~~
19 ~~department of health, or~~ the Legislature.

NOTE: The purpose of this bill is to make the Department of Corrections and the Department of Health, and their respective workplaces, subject to the Occupational Safety and Health Act.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would

be added.