

H. B. 2869

(By Delegates Sobonya, P. Smith, R. Smith, Trecoast, Miller,
Miley, Rowe and Perry)

[Introduced February 20, 2015; referred to the
Committee on Industry and Labor then the Judiciary.]

**FISCAL
NOTE**

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3A. OCCUPATIONAL SAFETY AND HEALTH ACT.

§21-3A-2. Definitions.

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

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

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

(c) "Employee" means any public employee of the state, or any state agency;

(d) "Employer" means public employer and shall include the state or any department,

1 division, bureau, board, council, agency or authority of the state, but ~~shall~~ does not include the
2 ~~department of corrections, the department of health and the~~ Legislature;

3 (ⓔ) "Occupational safety and health standard" means a standard for health or safety which
4 requires the adoption or use of one or more practices, means, methods, operations or processes
5 reasonably necessary or appropriate to provide safe and healthful employment in places of
6 employment;

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

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

NOTE: The purpose of this bill is to make the Department of Corrections and the Division 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.