

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

**Introduced**

### **House Bill 4369**

BY DELEGATES SOBONYA, C. MILLER, C. ROMINE, FRICH,

ROWAN AND WARD

[Introduced January 31, 2018; Referred  
to the Committee on Industry and Labor then the  
Judiciary.]

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

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

**ARTICLE 3A. OCCUPATIONAL SAFETY STRIKE-THROUGHS INDICATE  
 LANGUAGE THAT WOULD BE STRICKEN FROM A HEADING OR THE  
 PRESENT LAW AND UNDERSCORING INDICATES NEAND HEALTH ACT.**

**§21-3A-2. Definitions.**

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

2 ~~(a)~~ "Commission" means the Occupational Safety and Health Review Commission  
 3 established under this article;

4 ~~(b)~~ "Commissioner" means the Labor Commissioner or his or her designated agent;

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

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

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

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

14 ~~(g)~~ "Workplace" means a place where public employees are assigned to work but shall  
 15 does not include any place where public employees are assigned to work that is inspected and  
 16 regulated in accordance with federal occupational safety and health standards or mine safety and

- 17 health administration standards, or facilities under the authority of ~~the department of corrections,~~  
18 ~~the department of health,~~ or the Legislature.

NOTE: The purpose of this bill is to make the Division 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 a heading or the present law and underscoring indicates new language that would be added.